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INTRODUCTION.

AN attempt was made in the introduction to the first volume of our *Transactions* to sketch out the objects of the Association and its contemplated mode of action; in subsequent volumes the work of each year has been recorded with few comments; but now that five annual meetings have been held, and each division of the United Kingdom has been visited, it seems desirable to review what has already been done, and to consider how far the Association has fulfilled the expectations entertained by its original promoters.

The Association was founded for more than one object, and has acted consequently in more than one direction. The idea that the framework of human society has been developed on fixed ascertainable principles, and that the best method of applying those principles for the production of human happiness is a fit subject for inquiry, was certainly not advanced as a new discovery—an honour which should rather be adjudged to the proposition recently enounced, that there is no such thing as a science of society, and that every community is consequently a mere haphazard aggregation of human beings. There is assuredly no intention here of undertaking so superfluous a task as that of proving the existence of a philosophy which has occupied for centuries some of the greatest minds; it is enough to say that the Association sprang out of the belief that many of our political economists

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have illogically narrowed their investigations by ignoring all view of moral duty, and that a union was needed between the moral and economical sciences, in order to constitute a philosophy which should embrace in its inquiries alike the conditions of social prosperity and the rights and obligations of citizenship. Those who pursue this greatest of all sciences acknowledge the truth of political economy, but they perceive that it is not the whole truth; they observe beyond the range of its precepts higher duties and wider principles, and while studying assiduously the material interests of man, they refuse to ignore the moral phenomena of life.

The annual meetings of the Association, held in the leading towns of the empire, and attended by the more intelligent and active of every class, have spread a belief in the truths of social science, and have stimulated inquiry into the facts on which these are founded. Both in this country and on the Continent a number of thinking men have embraced our idea, and are engaged in adding to our stock of information. Branches of the Association have been established in Liverpool, Edinburgh, Bradford, and Aberdeen; the Statistical Society of Dublin has enlarged its field of operations in order to model them on our plan; and while these lines are being penned a project has been developed for the formation of an *Association Internationale des Sciences Sociales,* destined to act on the Continent in alliance with our own. As a centre of information on social facts, if it existed for no other object, our body would fulfil a useful function; for during the past year, not only numbers of our own countrymen, but inquirers from France, Belgium, Italy, Germany, Sweden, and the remoter countries of Russia and Wallachia, have applied to me by letter or in person for information on the social condition and institutions of Great Britain, and have obtained our *Transactions* as the most complete and available sources of knowledge on the subject. At the present time, when the political organization of more than one European State is

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undergoing a change, a general disposition exists to look to the government and customs of the nation which for centuries has preserved social order with growing liberty; and it must be no small gratification to our members to be made aware that our proceedings have been one means of spreading a knowledge of English laws and usages among some of the leading statesmen and philosophers of the Continent.

Nor must we overlook the effect produced by our meetings in the towns we have visited. A higher tone of municipal government, a more active attention to sanitary and other civic duties, an impulse given to efforts for the prevention of evil, and the spread of practical improvements, have been the monuments reared by the Association of its brief but busy presence; in each town we have left behind a body of men animated with the desire to carry out the ideas they have received, who become in their turn the sources of fresh knowledge to others. Such results are a not unworthy recompense for the generous welcome that has always been given to our body.

But not the least of the practical results, and they are not less important than the scientific, of the proceedings of the Association, has been the effect it has produced on individual minds and opinions. Our meetings have brought together men who had hitherto held aloof from each other, each intent on his own pursuits, and absorbed in his peculiar ideas; in the atmosphere of free discussion, in the exchange of information on social facts, in the debate of principles, and the collision of opinion, such men discover each other's excellences and acquirements, and shake off in a day the prejudice of years. This liberalizing influence is not a quality which can be accurately estimated; it cannot be described in figures, or measured by a rule; but it is not the less real and potential: its existence is known and appreciated best by some who have been most constantly

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among us, and who have felt in their own experience the benefits of this commerce of minds.

The Association, as already observed, has more than one object; and while by its constitution as a whole it spreads a belief in the unity of the social sciences, and draws together those who are pursuing their various branches, enabling them to compare the relative merits and ascertain the mutual significance of each, it also endeavours, through the Departments into which it is divided, to assist the practical work of its members. During our annual session of a week, each Department constitutes, as far as its own discussions are concerned, a separate meeting, with its president, vice-presidents, and secretaries to conduct the business, and attended by those members and associates who are interested in its proceedings; while at other times each department has a standing committee, acting, of course, in subordination to the general governing body, the Council. As the six Departments,—Jurisprudence, Education, Reformatories, Public Health, Social Economy, and Trade and International Law, —and the Committees connected with them, are the chief machinery for carrying on the work of the Association, it will be well to give under the head of each some account of their objects and exertions. I cannot enter on such a task without recording the obligations we are all under to the departmental secretaries, by whose ability and zeal, in a great measure, the practical success of the Association has been secured.

JURISPRUDENCE.

The Department of Jurisprudence has for its object the ascertainment of the principles which should govern the enactment of law and the administration of justice, in relation to the interests of society; and as a chief means to this end it

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encourages the collection of facts concerning the mode of legislation, the judicial system, and the actual law now existing in this country, as also the social results produced. As a correct knowledge of juristical principles is promoted by comparison of the nature and operation of different systems of law, and by observations of the effects produced by legislative changes, the Department welcomes information as to the laws in force in foreign countries, and as to the legal diversities existing in the three portions of our own. It is believed that records of this nature, though often necessarily encumbered with the theories or suggestions, more or less instructive, of the individuals who prepare them, are of permanent scientific value, as furnishing the best materials for a study of jurisprudence and legislation; but inasmuch as this Department, like the others composing the Association, has a practical as well as a scientific side, it avails itself of every fitting opportunity to point out any manifest or proved defect in our legal system, and to suggest a fitting remedy. It receives any proper statement of grievances arising from the state of the law, and permits discussion thereon; and it is enabled to discharge these functions with the more impartiality and carefulness, inasmuch as, while it usually places at its head a man of judicial eminence, and always calls to its counsels lawyers of tried experience and reputation, it also obtains in its deliberations the aid of the public, for whose welfare laws exist, and by whose opinion they must ultimately stand or fall.

The *Transactions* published in previous years show that the proceedings in this Department have been largely influenced by the local circumstances of the towns in which the Association has met. At all the English meetings our attention has been called to the defects existing in our system of tribunals and procedure, and to the confused condition of our statute book. The need for what is termed a fusion of law and equity, for a systematic consolidation of the statutes, and for local courts invested with a more complete civil jurisdiction

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than the county courts now possess, has been everywhere insisted on. If we are to judge by the complaints preferred against them, the existing laws of property, real and personal, seem to be in a great measure unsuited to the present requirements of society; and the Association can render no more important service to the public than by receiving suggestions and diffusing information with a view to facilitate the transfer of land, and to simplify and reduce to uniformity the mercantile laws of the United Kingdom. One important branch of the latter, the Bankrupt and Insolvent Law, has been already largely amended by the Legislature, mainly in consequence of the efforts of our Association; and a brief history of the exertions of our Bankrupt Law Committee may be considered appropriate.

The discussions at the Mercantile Law Conference in London, in 1857, attended by representatives from most of the commercial bodies in the United Kingdom, showed that great dissatisfaction was felt with many of the provisions of the Bankrupt Law Consolidation Act of 1849, and of previous statutes. Representations to this effect were made to the Government, but without result; and when the Association met in Birmingham in the autumn of 1857, the Chamber of Commerce of that town presented an amending Bill, and other similar bodies brought forward different plans on the same subject. In the discussion which ensued, a considerable variety of opinion was apparent; and at the close of the debate Lord John Russell, who on that occasion presided over the Jurisprudence Department, recommended that a Committee should be appointed by the Association to consider the various suggestions that had been made, and to report upon them. A Committee was accordingly appointed on the motion of his Lordship, to consist of a certain number of members selected by the Association, and of delegates nominated by the Chambers of Commerce, Trade Protection Societies, and other similar bodies throughout

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the United Kingdom.* The first meeting of the Committee was held in Birmingham, on the 17th and 18th of November, 1857, when, after much debate, a series of resolutions were passed, enunciating the principles on which, in the opinion of the delegates, any amendment of the Bankrupt Law, in order to be permanent and satisfactory, ought to be founded.† Those principles may be shortly stated as follows:—

(1) To consolidate the whole statute law relating to bankruptcy and insolvency in a single Act.

(2) To abolish the distinction between bankruptcy and insolvency, and between trader and non-trader.

(3) To extend the Bankrupt Law to the administration of the estates of deceased insolvents.

(4) To facilitate as far as possible, consistently with the due prevention of fraud, voluntary settlements between debtors in a state of insolvency and their creditors.

(5) To diminish officialism, by placing the mercantile part of the proceedings, the administration of the estates, in the hands of the creditors.

(6) To localize, as far as possible, the administration of the Bankrupt Law.

(7) To reduce the expense in bankruptcy proceedings by transferring to the Consolidated Fund the payment of judicial salaries and pensions, and by diminishing the number of meetings and the amount of official fees.

(8) To enact more stringent provisions for the punishment of fraudulent debtors.

A sub-Committee was appointed to prepare a measure in accordance with these resolutions; a fund was raised to defray

* The following bodies joined the Committee during the course of its proceedings:—the Chambers of Belfast, Birmingham, Bradford, Bristol, Coventry, Edinburgh, Glasgow, Gloucester, Greenock, Huddersfield, Hull, Leeds, Leith, Liverpool, Manchester, Newcastle-on-Tyne, Norwich, Sheffield, Southampton, Wolverhampton, and Worcester; the Society of Advocates, Aberdeen; the Faculty of Procurators, Glasgow; the Institution of Accountants, Glasgow; the Trade Protection Societies of Bristol and Clifton, Edinburgh, Leicestershire, Liverpool, Leeds, Sheffield, and Southampton.

† See the authorised report of the first meeting of the Committee.

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the necessary expenses; and a Bill, embodying the principles agreed on, was completed, circulated among the Chambers of Commerce and other bodies for their approval, and introduced into the House of Commons by Lord John Russell and Mr. Headlam, on the 22nd of June, 1858. In the same Session another Bill for the amendment of the Bankrupt Law was introduced by the Lord Chancellor, (Lord Chelmsford,) which in many important respects differed from that prepared by the Committee. These two measures were discussed at the Liverpool meeting, on the presentation of the report of the Committee; and the Association, in a series of resolutions, affirmed the principles agreed on by the Committee, and expressed their approval of Lord John Russell's Bill as against that of Lord Chelmsford.* On the 15th of February, 1859, the Bill, with some slight amendments, was again introduced into the House of Commons by Lord John Russell, and on the 16th of March was read a second time. It was vigorously supported by the Chambers of Commerce and other mercantile bodies, and would probably have passed, had not its further progress been stopped by the dissolution of Parliament. The subsequent change of Government, involving the accession to office of the two members who had charge of the Bill, prevented its reintroduction during the short summer Session that ensued. But at the Bradford meeting it again received the approval of the commercial community through their representatives present, and the Association resolved to bring its provisions before the notice of the Government. On the 22nd November following, the Committee, accompanied by a large number of members of Parliament, had an interview with the Premier, (Lord Palmerston,) from whom a pledge was obtained that the Attorney-General (Sir

* Perhaps justice was hardly done to Lord Chelmsford's Bill at the time, though it undoubtedly fell short of the expectations of the mercantile class. It was, however, professedly a tentative measure; and any one who compares it with previous efforts to amend the Bankrupt Law, must admit that, in many respects, it was bold and practical, and that it was throughout very skilfully drawn.

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Richard Bethell) should bring forward in the ensuing Session either the measure prepared by the Committee, or one similar in its provisions. This pledge was redeemed by the introduction, in 1860, of Sir Richard Bethell's first Bill, which was modelled on that of Lord John Russell. Unfortunately, some of the details of this Bill were so unsatisfactory, that our Committee were compelled to represent to the Attorney-General the necessity for their alteration; and similar opinions having been expressed by other bodies, the Bill was recommitted for the purpose of being recast, and was ultimately withdrawn at the close of the Session. Early in 1861 the Attorney-General introduced a second measure, founded on the same principles as the first, but less extensive in its character. This Bill, with some modifications suggested by our Committee, was passed through Parliament, and received the Royal Assent on the 6th of August last. The leading provisions of the Act, especially those which have reference to the assignees, to county court jurisdiction, and to trust deeds, were originated in the discussions of our Committee, and received the unwavering support of the great majority of the mercantile class throughout Great Britain from the time of their first publication.* Our views were strongly confirmed by the unanimous experience of Scotch judges, lawyers, and merchants, testified at the Glasgow meeting, as to the beneficial results of the Bankrupt Law in Scotland, in accordance with which our original Bill was framed.

The subject has been dwelt on at some length, because it usefully illustrates the way in which the Association can exert itself on such questions. We do not, as a rule, meddle in matters of legislation; still less are we an agitating body, combined to obtain alterations in the law. Our professed function is, to afford a centre for discussion, in order to reconcile conflicting opinions, and pave the way for social

* *See* the Report of the Mercantile Legislation Committee, p. 227; and the discussion at p. 251.

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improvement, whether by legislative means or other. This function we ordinarily discharge by our annual meetings and our publications. But there are occasions when it becomes desirable to go further. When, for instance, we held our first meeting at Birmingham, great discontent existed in regard to the state of the Bankrupt Law; but so different were the opinions as to the remedies required, that no measure could then have been brought into Parliament with any hope of success. There was not a society in existence capable of allaying the differences prevalent in town and country on the subject; and the Association therefore only pursued its legitimate course in sanctioning the establishment, under its name, of a committee representing the various views of mercantile bodies, and inviting free debate as the means of arriving at a common agreement. The experiment succeeded, and the way was cleared for legislative action. At this point the more active intervention of the Association naturally ceased, but it was mainly owing to our representations that the Ministry made the amendment of the Bankrupt Law a Government measure, and intrusted it to the hands of Lord Westbury, (then Sir Richard Bethell,) one of the few public men possessing the knowledge, ability, and resolution requisite for dealing with a question of such complication and difficulty.

The laws relating to the conveyance of land have formed a subject for discussion at all our meetings, and a considerable amount of information in regard to them has been embodied in the *Transactions.* The operation of registries of deeds, established in the West Riding of Yorkshire and in Scotland, has been described, and several schemes have been propounded for facilitating and cheapening the transfer of land by a registration of titles and otherwise. There seems to be still a considerable diversity of opinion as to the best mode of registration, and as to the subject-matter for its operations; but I think little doubt is now entertained in the Association, especially since the Dublin meeting, that a judicial investiga-

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tion of title, by a Court armed with the power to deal with land *in rem* as well as *in personam*, is at any rate the first and principal step for the relief of landed property from its trammels, and of society from the evils produced by the law as it exists at present. The results of the Irish Landed Estates' Court are fully described in the present volume, as is also the plan originated by Judge Longfield for issuing debentures on the estates which have passed through the Court; and these papers complete the information we have obtained on the different systems of transfer of land in the United Kingdom.

There are two other branches of the laws of property on which the Association has done some service. The discussion at Bradford on Charitable Trusts, originated by Vice-Chancellor Wood, produced the 23 & 24 Vict., c. 136, enacting some useful provisions, and has also led to more than one valuable debate on the law of charitable endowments in the Law Amendment Society. The subject is one to which public opinion should be directed much more continuously and earnestly than it has hitherto been, and which demands the enunciation of some guiding principles both in legislating and in the administration of charities: our London meeting will afford a valuable opportunity for a discussion of this nature. The defective state of the Patent Law was also brought forward at Bradford, and as it seemed a proper subject for further investigation, a committee of inquiry was nominated, which was subsequently joined by the members of a committee appointed for a similar object by the British Association for the Advancement of Science. This joint body prepared a report, which was presented to our Dublin meeting, and subsequently to the British Association at Manchester, and which seems in a great measure to have reconciled the conflicting views both of lawyers and scientific men on this important question.

It must have been observed by the members who take a more peculiar interest in this Department, that one of the best results flowing from its proceedings is the increased appreciation

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of the separate advantages to be found in the legal systems of England, Scotland, and Ireland. In Dublin, as already observed, every one was struck with the benefits resulting from the Landed Estates' Court; and at Glasgow it was impossible not to admire the extent and efficiency of the jurisdiction of the Scotch Sheriff Courts. It may be hoped that our meetings serve to spread a more accurate knowledge of the different laws in force in the three parts of the kingdom, both among lawyers and the general public, and that hence a desire to adopt for the whole realm those portions which may be found best in each will bear fruit in wise legislation. Such, it must earnestly be hoped, will be the result of the attention lately turned to the lamentable conflict of our Marriage laws, rendering uncertain and obscure the conditions of a contract which should be to the parties making it as simple and intelligible, as in the interests of society it ought to be sacred and binding.

Other questions have been brought before the Department, but those alluded to may serve as samples of the rest; and a perusal of the *Transactions* will show, I think, that not a little has already been done by awakening an intelligent interest in the great science of Jurisprudence, by pointing at the directions in which amendments of the law, in order to be salutary, must proceed, and consequently preparing the way for the further simplification of our system of justice. No one who has really watched the progress of legislation for some years past can fail to be struck with the steady, persistent purpose of the nation in clearing the law of admitted defects. Its course may be slow and circuitous, but it is certain; it will not, like a despotic Government, strike out a code, but year by year, through the usual channels of legislation, it will improve, simplify, consolidate; it will work constantly, always with resolution, occasionally with vehemence; and to assist in guiding this current of opinion, freeing it from error, and shaping its resolves, is the object to which the members

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of the Association, in this Department of Jurisprudence, should bend their strenuous efforts.

EDUCATION.

The Department of Education comprehends within its survey the existing means for imparting education, elementary and other, to all classes in this country, the defects observed, the difficulties to be overcome, the results that are apparent, and the comparative merits of the systems pursued by different communities. Although much of the time of the Department has been necessarily occupied by questions relating to the education of the working classes, considerable attention has been given to other matters. The effects of competitive examination for appointments in the Civil Service have been noticed, not only with reference to their primary object of securing a greater efficiency in our public servants, but also in relation to the impetus given by them to the intellectual training of the upper and middle classes of society. A similar result, over a somewhat wider field, has followed from the local examinations instituted by the Universities of Oxford and Cambridge, and the Society of Arts, to which the early attention of the Department was directed, and some defects in the system were pointed out. Several communications have also been received on the deficiencies in the regular curriculum of our Universities, and the best mode of supplying them; the various success of the different Universities in their training of students, as evidenced by the results of public examinations open to all, has been alluded to, and at our last Meeting a high compliment was paid to the efficiency of Trinity College, Dublin.

But the great staple of the discussions in this Department, as already observed, has been the education of the labouring classes. At Bradford we had an opportunity of observing with peculiar advantage the system of superior instruction

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organized by Mechanics' Institutes, and other similar bodies, and in many instances by individuals. The industrial requirements of town and country compel the withdrawal of children from school at an early age, and will continue to do so; but if they have acquired by elementary instruction the means of obtaining further knowledge, they are now, in most places, able to complete their education by attending evening classes. The facilities afforded for this purpose in Lancashire and the West Riding of Yorkshire are now so great, that the systems at work there, with their central boards, their paid lecturers, and periodical examinations, can be justly described only as Universities for the people, with subordinate colleges ramifying through numerous districts. Nor are their efforts to provide for the higher education of the labouring classes confined to manufacturing towns; they are spread over the whole kingdom, and adult evening schools supply to a great extent the deficiencies of early training. No doubt these schools often fall short of the desired efficiency, but the public attention that has been lately given to them will gradually remove their defects, and the success they have already attained is the more real, because it is founded in a great degree on the self-exertion, and consequently the independence, of the people.

But the inexorable demands of labour have for some time drained the schools of children, before they have reached even that elementary degree of instruction which may fit them for self-education in future years; and it was to remedy this evil that the educational clauses of the Factory Acts were passed by Parliament. The result of these enactments, which are founded on the principle that attendance at school for certain hours shall be the condition of employment for every child between eight and thirteen years of age, was the subject of investigation at our Bradford meeting, and I believe that a nearly unanimous opinion was obtained of their beneficial effects. Efforts have in consequence been made to introduce

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similar provisions into Acts applicable to other districts than those of the West Riding and Lancashire, and perhaps the day is not far distant when the "half-time system" may be established over the whole country. This is one of the subjects on which the quiet influence of the Association, spreading a knowledge of the special circumstances of one district over the rest of the kingdom, has been productive of benefit.

The great question of national education, which has lately been so fully dealt with in the Report of the Royal Commissioners, has been debated at our meetings in England, Scotland, and Ireland, in the peculiar aspect which it assumes in each country. Our English discussions have turned chiefly on two points—whether, on the one hand, the assistance of the State, or voluntary effort, be the better foundation for a national system; and on the other, whether the control over the machinery of education should be centralized or local. A strong and probably a growing distaste to the interference of the State with local self-government in education, as well as other matters, has served to counterbalance even the powerful interest that has been raised up by the lavish grants and influential patronage of the Committee of the Privy Council; and though it seems difficult to believe that the present impulse to national education could have been given by any means less powerful than the Privy Council system, it is probable enough that the awakened zeal for schools will end in the creation of a more purely local plan. This is the more likely, inasmuch as the existing system breaks down where it is most needed, and refuses help to those who are least able to help themselves.

At Glasgow, the real point of interest was different. Scotland was once fortunate in the possession of an old and tried system of national education, supported by fixed parochial revenues, and bound up with the religious and patriotic traditions of the people. The unhappy ecclesiastical differences

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that disunited the Scotch Church have had the effect of substituting for this ancient institution a denominational system, which, to judge by the debates at Glasgow, seems to satisfy no one. It was the great triumph, and we may trust the lasting benefit, of our Meeting in 1860, that men of every Church and party in Scotland met under the auspices of the Association, and frankly conferred on the best means of restoring to their country a real parochial system of elementary education.

The discussion at Dublin on Irish National Education was not less remarkable for the temper and fairness exhibited on all sides, and I believe it has not been less productive of good in showing that views apparently hostile are capable of reconcilement. Whether or not any agreement may be arrived at on the points more hotly contested, it was at least proved by the Association that Irishmen of all parties could meet on a common platform, discuss the question on which their opinions are supposed to be most divergent, and separate with mutual good-will; and if our Dublin Meeting had had no other result, it would have been worth holding for this alone.

The Ragged and Workhouse Schools deal with two distinct classes of children, neither of which come within the operation of the ordinary schools for the labouring poor. The first endeavour to educate and reclaim those children who are to be found in all large towns, not actually vagrant or criminal, but destitute and uncared-for, and ready to grow up into beggars and thieves. The energy and perseverance of a few benevolent people have done much for the success of Ragged Schools, but it is a subject for regret that the grant, which has been so freely bestowed on a class quite able to provide for the education of their children out of their own resources, is withheld from those who without public assistance are absolutely helpless. With regard to pauper children, it was long since discovered by some enlightened boards of guardians that no more uneconomical plan was ever devised than that of rearing

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children in workhouses, to imbibe habits of pauperism, and become a permanent charge on the ratepayers. The district schools that have been established in different parts of England have proved signally successful, and the system will no doubt be generally adopted.

A review of the contributions to this Department in the *Transactions* will show the deep interest that is taken throughout the whole country in the subject of education, and the immense exertions that have been made of late years to supply improved instruction to all ranks of the nation. The information accumulated on the different parts of the subject has been great, and has already led to some useful results; but a still more valuable end has been achieved by affording opportunities for fair public discussions on controverted questions relating to education, which have cleared up some doubtful points, and spread a more accurate knowledge and juster views on the subject among the community. Our meetings have brought together men who were working in different spheres, and who have interchanged ideas to their mutual advantage; and it is not too much to hope that out of these gatherings may ultimately spring a truly national system of education, animated by the principles of tolerance and social duty.

CRIME AND REFORMATION.

A Conference that was held in Birmingham in 1851 gave the first great impulse in this country to the reformatory system of treating criminals. A second Conference at the same town in 1853 further defined the views of its promoters, and consolidated their efforts; and soon after the first Juvenile Offenders' Act was passed, a number of reformatory schools were established in different parts of England to test practically the soundness of the principle. In the autumn of 1855 two societies sprang up to unite the managers of these schools, and

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others interested in the movement, for the purposes of discussion and exchange of information. One of these societies has been virtually merged in our Association, which supplies through its Reformatory Department the means for annually recording information and debating any controverted question; the other, the Reformatory and Refuge Union, distinguished for its active usefulness, continues to be the centre of practical reformatory work, while it yearly affords to the Association the benefit of its experience in a detailed report, and will at our London meeting take charge in a great measure of the business of the Department. Neither the origin of this most successful reform in criminal administration, nor its conduct under its first difficulties, are therefore in any way due to the Association, which was not in existence till the victory had been won; but we may hope that our meetings have been instrumental in spreading an accurate knowledge of reformatory principles, and in uniting the various promoters of the work.

A remarkable success has attended the treatment of juvenile offenders in the schools established under the Reformatory Acts. In former times, a young criminal, however slight or casual his offence, was generally consigned to prison, where he was duly trained into an habitual thief, and ended his course, after costing the country, in prosecutions and imprisonments, many hundreds of pounds, either in transportation or the gallows. The present system sends a child, under similar circumstances, to a reformatory, where he is placed under religious influence, is subjected to a firm but discriminating discipline, and learns by labour a taste for honest industry. Only a small proportion of the children thus treated prove ultimately to be irreclaimable; the remainder grow up, either at home or in the colonies, to be useful and intelligent citizens. The system has now been at work for a sufficient time to test its reality; the number of juvenile criminals since its establishment has greatly and steadily decreased, and the reformatory

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mode of treatment must now be considered as an established discovery of a new principle, which will be found to be applicable to other institutions than those founded under the Acts which it has produced, and to other classes besides young criminals.

In the first place, when it was found that reformatory schools were so efficacious in preventing the growth of juvenile into adult offenders, the question was soon asked, Why not, by means of somewhat similar institutions, stop the course of the vagrant and mendicant child before he comes within the reach of the criminal law? This idea led to the enactment of the Industrial Schools' Acts, and the establishment thereunder of certified industrial schools, which have now begun to come fairly into work, and will probably exercise as much effect on the supply of young offenders for reformatory schools, as the latter institutions have done on the number of juvenile thieves. Secondly, it has become evident that the principle which has been so successful with young felons is equally applicable to adults; and that the nation, burdened as it is with prison expenses to an inordinate degree, is bound, as a matter of self-interest alone, to adopt a system which reforms criminals instead of one which perpetuates re-commitments. It was not till the discontinuance of transportation brought the treatment of convicts under the public eye, that many people became alive to the moral absurdity of keeping prisoners in a state of absolute coercion till the moment of their discharge, and then throwing them without help on the excitements and temptations of society. No doubt Prisoners' Aid Societies and some modifications of the convict system have slightly remedied the evil; but no real good will be effected until a total change of system has been adopted, founded on the reformatory principle of treatment in place of the penal. Such a plan has been worked in Ireland with the most beneficial results, and the Association has rendered no greater service to the public than by the

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knowledge which it has spread over the United Kingdom of the labours and success of Captain Crofton and his colleagues in their management of the Irish Convict Prisons.

The Department has also been useful in pointing out the various incentives to crime, such as intemperance, facilities for disposing of stolen goods, prostitution, and others varying with the habits and employments of different parts of the country. Some valuable information has been collected on these subjects; and the enactment last Session of the Marine Store Dealers' Act is one of the practical results of the discussions of the Department.

The criminal statistics published by the Home Office have of late years been much amplified and improved, but they are still in many respects imperfect, and I believe that no accurate answer can be given to the question whether crime is on the increase in Great Britain or is diminishing. It is certain that two retrogressive steps have been taken within a short period: the new scale of allowances to witnesses on prosecutions, which discourages the commitment of offenders, and favours their acquittal at the trial; and the Summary Justice Act, which, as generally administered, tends to bring the law into contempt by affording a virtual impunity to habitual criminals. It may be hoped that both these mistakes may be remedied before long; and it cannot be doubted that throughout the whole kingdom a much more reasonable and intelligent public opinion exists on the subject of criminal law and administration than was the case even a few years ago. The Association has done not a little in helping on so salutary a change; and the information circulated by this Department, through its papers and discussions, will at no distant time lead to the establishment in this country of a rational and economical system of prison and convict discipline, which, if not uniform in all its details throughout the United Kingdom, will at least be founded on a single and intelligible principle.

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PUBLIC HEALTH.

No one of our Departments has been productive of so much practical good as that of Public Health. In every town which the Association has visited, our meeting has had the effect of directing attention to the proper construction of houses, the state of the drainage, the supply of water, and other matters of sanitary importance; and I believe that in every instance active exertions have followed for the improvement of the civic health. There is no subject affecting social welfare on which we have found everywhere public opinion so apathetic, nor any one on which we have left it more active. The few enlightened men, chiefly of the medical profession, who had previously to our meetings advocated sanitary improvements in any town we have visited, have found their exertions materially aided by the impression made during the discussions of the Association; and the municipal authorities have generally shown themselves willing to profit by the information laid before them. Sanitary improvement is eminently a public question, since the interests of every inhabitant, whether he will or no, are daily involved in the hygienic condition of his town; and the most promising feature of this Department is the attempt which it makes, and not unsuccessfully, to spread among the whole community a knowledge of the laws of life, and of the means for preventing disease.

The attention of the Association was early called to the unsatisfactory state of the legislation in connexion with this subject; the existence of the Office of Public Health being dependent on the annual renewal of a temporary Act, the consequent uncertainty of its continuance crippling all its operations. The Council, in February, 1859, adopted a petition* which had been prepared by Dr. Headlam Greenhow, setting

* See the Introduction to the *Transactions*, 1859, p. 28.

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forth the large amount of preventable disease in this country, and the hardship and suffering thereby inflicted, especially on the poor, and praying for the enactment of a Public Health Act in a permanent form. This petition was presented to the House of Commons by Lord John Russell, and resulted in the passing of the 22 & 23 Vict., c. 3, which carried into effect the representations of the Council.

The enactment passed for repressing the adulteration of food, 23 & 24 Vict., c. 84, was another fruit of the labours of this Department. At the Birmingham meeting, Mr. Postgate pointed out the necessity for some legislation on the subject; and the Bill subsequently introduced into the House of Commons by Mr. Scholefield received the support of the Association, subject to certain modifications recommended by the Council. The Act is by no means perfect, but has already been followed by some good results, and will, no doubt, form the basis of further and improved enactments.

Mr. Rumsey, of Cheltenham, in two elaborate papers read at Bradford,* brought before the notice of the Association the defects in our system of registration of deaths, and the total want of any plan for recording sickness; and he suggested the means for at once remedying these shortcomings, and establishing throughout the country an organization of skilled officers for the observation and prevention of disease. These papers are among the most valuable contributed to our *Transactions*, and a Committee to whom they were referred by the Council declared in a series of resolutions their adhesion to the leading points in Mr. Rumsey's views.† These resolutions were subsequently brought under the notice of the Home Office, and the Council are now engaged in again urging them on the Government as the soundest basis on which the system of registration about to be commenced in Ireland could be carried out. There may be difficulties in adapting the scheme of Mr. Rumsey to an old system such as we have

* *Transactions*, 1859, pp. 574, 585. † *Transactions*, 1860, p. 27.

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in England; there can be nothing but advantage in framing an entirely new organization on his scientific principles.

The practice and results of quarantine in the various countries of the world were investigated by a Committee appointed for that purpose in 1859, with the active assistance of Dr. Milroy. A list of queries were drawn up and circulated by the Foreign and Colonial Offices, and the heads of the Army and Navy Medical departments, among British Consuls abroad, Governors of Colonies, and many other persons; and the replies received, having been analyzed and presented to the Association, were printed by order of the House of Commons, together with a report and recommendations by the Committee founded on the information they had collected. The Council are taking measures for urging the adoption of these recommendations on the proper authorities.

The Association has twice received (at Liverpool and Dublin) from the hands of Miss Nightingale the most valuable information and advice as to the proper construction of hospitals, and the best plan for obtaining hospital statistics. The papers contributed on these subjects to the Liverpool meeting having been printed separately, by order of the Council, were sent to every hospital in the United Kingdom; and their contents, it is known, have exercised a beneficial influence over the authorities of those institutions. Miss Nightingale, though by far the most experienced and influential, is not the only lady who has lent her aid to the Department of Public Health; the Ladies' Sanitary Society, which is affiliated to the Association, has rendered the most important services by its practical exertions in the cause. The circulation of cheap, but admirably written, pamphlets, explaining the laws of health and the consequences of their infraction; the delivery of popular lectures on the same subject by medical officers of health and other scientific men, to numbers of the working classes; and oral instruction by visitors to the poor under the supervision of the Society,

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are probably doing more, within the sphere of their operations, to increase the sum of health in the community than any legislative or official interference could effect. An improvement which is effected for the bulk of the people from without is apt to be temporary in its nature, because it is accepted by them without any real faith in its efficacy; but one which results from a change in their own character and habits, founded on a reasoning appreciation of the good gained by the change, is placed beyond the accidents of legislative and official support, and is certain to endure. A change of this beneficial nature is in process of accomplishment by the Ladies' Sanitary Society, and other kindred institutions.

SOCIAL ECONOMY.

The Department of Social Economy embraces all those branches of inquiry concerning the conditions of industrial success, whether of nations or individuals, and the relations of labour and capital, which constitute, in the ordinary acceptation of the words, the Science of Political Economy. But the Department also includes the consideration of the moral, physical, and intellectual life of the community on those points which are not embraced by the other sections into which the Association is divided. At the Liverpool Meeting, a discussion took place on the question of Strikes and Trades' Unions; and in pursuance of a wish expressed by many of the members, the Council appointed a special committee to make inquiries on this interesting subject. The committee was constituted, with a view to strict impartiality, of employers of labour and representatives of working men, with some gentlemen who entered on the subject for the sole purpose of economical inquiry. A large amount of information was collected during two years of assiduous work, and the result was finally published, together with the Report of the Committee, in a volume presented to the Association at its Glasgow Meeting.

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The Committee are now engaged in collecting information on the subject of Apprenticeship, and the Council have referred to them the papers read at Dublin on that subject. The excessive hours of labour, in a few exceptional employments, such as that of the journeymen bakers, have been brought to the notice of the Association, and it may be hoped not without effect. This can seldom be a fitting subject for legislation, but it is one on which public opinion, enlightened by a knowledge of the many evils, both moral and physical, which follow from its prevalence, may exercise a beneficial effect. At Bradford, the testimony produced of the improved condition of the factory operatives, since the reduction of the hours of labour, was unanswerable; and it is remarkable, that in the manufacturing districts, as in others, the system of short hours, when once fairly tried, is approved by the employers of labour, however opposed they may have been to its first introduction.

The progress of co-operative association has been recorded in each volume of our *Transactions*, partly by independent observers, but chiefly by working men themselves interested in these undertakings. The most ordinary form of co-operation is a joint-stock company for the production and supply of articles of food to its members, on much the same idea as that followed by municipalities when they supply the inhabitants of a town with water and gas at their own cost. These enterprises have, in many instances, proved highly successful, and have been in existence for a sufficient time to test the soundness of their management; nor is there any reason to doubt their permanent prosperity, if they continue to be conducted with prudence and integrity. But like the joint-stock associations of the wealthier classes, though, perhaps, to a less degree, they will in the long run be liable to losses from the imprudence of their directory, or the supineness of their shareholders; and this danger will attach more particularly to the later development of the associated labour principle in co-

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operative mills for manufacture. There is nothing even in these which forbids success, though at present they can only be considered as experiments; and it must be admitted that the working men who have formed these societies have as yet shown more aptitude for business, and more integrity, than are often exhibited in the joint-stock companies of the upper and middle classes.

The increased employment of women in various branches of industry was pointed out at our first meeting, and the necessity thence arising for an adequate industrial training of women, and a due recognition of their work, has been dwelt upon at each succeeding meeting. When it appears that upwards of two millions of the female population of this country earn their bread by their own labour, it seems simply idle to speak of their employment as an innovation, or to deprecate the public statement of the fact. While society has continued to assume that men support the other sex, a state of things greatly the reverse has silently grown up; and the arguments against the employment of women, some of them no doubt forcible enough, have the disadvantage of coming too late for practical use. What seems actually required is, that as women are now extensively employed in manual and other labour, they should be allowed in every case to compete on equal terms with men, and that no needless and artificial restrictions should shut them out from remunerative employment. It was to further these views that the Society for Promoting the Employment of Women was established; and the Council of the Association has signified its approval of the inquiries and exertions of that institution, by permitting its affiliation to the Association on certain conditions.

Those who have observed the need of fresh channels of employment for educated women, have also turned their attention to emigration as the best and natural outlet. The disparity between the numbers of the sexes still continues great in some of our colonies, and it is to be regretted that neither

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the government at home nor the colonial authorities seem fully alive to the necessity for sending out women fitted to become the wives and mothers, and to influence the social tone, of new communities. This is not the only question relating to colonization which solicits authoritative inquiry. The condition of some of our settlements suggests that the *laissez faire* system may be carried too far, and that orderly, self-governing societies are not likely to be formed without the exercise of some judgment and forethought on the part of the mother-country. Mere emigration, no doubt, is often productive of considerable benefit at home; but the amount of preventable suffering and disappointment in the colonies, caused by the want of organization and foresight, is deserving of more public attention than it has lately received.

Sir James Emerson Tennent, when presiding over this Department at Glasgow, suggested as an interesting topic for inquiry the social condition of the Irish labourers, immigrants in Great Britain. A large amount of information on this subject was collected in 1835 by the present Secretary for War, then Mr. Cornewall Lewis, and the results embodied in an important report; but as more than a quarter of a century has elapsed since the inquiries of the Commission, and great social changes have taken place in the interval throughout the United Kingdom, the Council have thought it desirable to follow the recommendation of Sir James Emerson Tennent, and to appoint a Committee to collect further information. The Committee have issued sets of queries to employers of labour, clergymen, medical officers, police superintendents, and others, and they hope to present at the London Meeting a report analyzing the evidence they have received.

The material condition of the classes who earn their living by weekly wages, and form so large a portion of our population, has commanded the anxious attention of this Department. It is, happily, certain that the condition of these classes, under the beneficent influence of equal laws, a free commercial

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policy, the removal of financial impediments to industry, and a great increase of the means of education, has been already largely improved, and is still improving. But there is yet cause for deep anxiety. The miserable condition of the dwellings of working men, both in towns and rural districts, is a disgrace to our civilization, and a bar to improvement, whether physical or moral. The Association has done its utmost at every meeting to point out this evil, and to spread information on the best and most economical mode of providing healthy dwellings for the labouring classes. Mr. Henry Roberts has rendered invaluable assistance on this subject.

There are two other causes of poverty and depression, both unhappily too prevalent, which working men have it more completely in their own power to remove,—improvidence, and the abuse of alcoholic drinks. The habit of living up to their earnings, without regard for the future, has been fatal to the independence and self-respect of millions of industrious men; but in proportion as knowledge has been spread, and still more perhaps, as facilities for the investment of small sums have increased, more economical habits have grown up, especially in the factory districts. Our *Transactions* contain much valuable information on Savings' Banks, and on the admirable extension of those institutions through the Post Office, proposed by Mr. Sikes, and adopted by the beneficent wisdom of the present Chancellor of the Exchequer; on Penny Banks, which foster the first germs of prudence; and on Friendly and Benefit Societies, the insurance offices of the bulk of the people. I think a candid perusal of the papers on these subjects will show how much is being done to encourage a habit of saving, and that a provident tone is gaining ground with the people. Much the same may be said of the vice of drunkenness. It is still lamentably prevalent, but is certainly diminishing, and is every year more and more discountenanced by respectable artisans, and by societies formed by the working classes. The opening of public parks and places of

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recreation, the shortening of the hours of labour, the increased facilities for travelling, the means for intellectual improvement and rational enjoyment placed within the reach of so many, have all exercised an influence in favour of temperance. The erection of drinking fountains in most towns of the kingdom must have had a similar effect; and the Association may be congratulated on the rapid spread, through its agency, of this simple remedy for the temptation of the beer-house. Among the other aids to sobriety and improvement encouraged by this Department may be mentioned the free public libraries recently established under Mr. Ewart's Acts, respecting which we have collected some interesting statistics.

The best mode of levying taxation, so as to press least on the industrial energy and resources of the country, has been the subject of discussion at more than one of our meetings. A Committee appointed to consider this question have published a collection of Papers prepared by several of their members, setting forth various and conflicting views. It is only fair to say that no tincture of party politics has ever entered into these discussions, and that the opposing opinions have always been maintained with perfect moderation.

Another important subject, that of the administration of the Poor Law, must be dismissed as briefly. The salutary change effected in the system of relief to the poor has stayed the growth of pauperism, and relieved the burdens on property; but there are still defects of administration which might be easily remedied, and practical mistakes which disfigure the law. That was a wise enactment which attached penalties and labour tests to the adult able-bodied pauper, and tore up by the roots the vicious system of indiscriminate out-door relief. But it is not a wise administration of the law which applies the same sort of penal treatment to the aged, sick, and infirm, or to children innocent of offence against society. Those who have seen continental hospitals for the care of the old and incurable poor, and of orphan children, will have some

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cause for national shame when they conduct their foreign visitors this year over the institutions provided for similar classes in London,—the wards of our metropolitan workhouses.

TRADE AND INTERNATIONAL LAW.

This Sixth Department of the Association was established at the Glasgow Meeting, partly to meet the wishes of commercial men and manufacturers desirous of a section which should specifically represent their views, and partly on the advice of some foreign jurists, who feel the necessity for impartial and dispassionate debate on controverted and doubtful points of international law. As these chiefly concern commerce, it was thought by the Council that the two classes of subjects might, at any rate for the present, be advantageously united. The special congress held at Glasgow under the auspices of the Association, for discussing the feasibility of a uniform system of general average for all nations, and attended by representatives from most of the civilized states of the world, furnished an argument for the formation of a permanent department charged with the conduct of similar questions. Thanks chiefly to the exertions of the Secretary, Mr. Westlake, who possesses rare qualifications for the office, the Department was successfully organized for the Dublin Meeting, and under the auspicious presidency of the celebrated economist of France, M. Chevalier, its proceedings were of a character to justify the expectations of its promoters. The attendance of foreigners was numerous, and the increase of international communication among economists and jurists, which will result from the existence of this Department, may ultimately become the most prominent feature of the Association.*

* In his opening address at Bradford, the Earl of Shaftesbury said, "Is it forbidden to believe that these gatherings may be of nations, and so become, under God, subsidiary to the great issue of 'beating our swords into ploughshares, and our spears into pruning hooks?' By the aid of Great Easterns the channel

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As the papers and discussions of the only meeting yet held by the Department are fully chronicled in this volume, it is unnecessary to add more concerning its operations than to say that a Bill to codify the laws and customs relating to General Average has been prepared, and is now being considered by the Committee appointed for the purpose, with a view to present it complete at the London Meeting. The Council will also present a petition to Parliament, praying for an amendment in the law of Trade Marks.

The Council, it should be added, have elected M. Chevalier a Foreign Corresponding Member, in acknowledgment of the signal service he rendered to the Association at Dublin; and they are about to confer the same distinction on the Hon. William Beach Lawrence, of Rhode Island, who sent to the Department a valuable communication on the subject of belligerent rights at sea.

Such are the questions which the Association has endeavoured to elucidate at the five meetings it has already held. The account given of them above is necessarily brief and imperfect, but it may at least serve to show the important nature of our objects, and the practical results that in many instances have followed the work of the Association. The next annual meeting will take place in London, in the first week of June next, when it may be expected that the metropolis will be filled by visitors both from the Continent and from all parts of the United Kingdom. It is hoped that a metropolitan meeting at such a time will cement more closely than ever our alliance with the foreign promoters of our science, and will

may be reduced to a leap, and the Atlantic be only a prolonged bridge. The advantage will be great, for all these matters require wide experience; they need many minds, many habits, many views, many facts, and many men, to throw light upon them. Until we can be brought to one flat resemblance throughout the world, the race must be considered in its various phases, and with reference to the peculiar difficulties and wants of each nation, and the adaptation of peculiar remedies. In this way, the exchange of ideas, like the exchanges of commerce, may be truly beneficial, and an evil existing in one country may be remedied by the good existing in another."

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also afford the means for a really national review of the most important among the social questions of the time. The meeting may become a valuable adjunct to the International Exhibition, illustrating the principles of that civilized organization of society which begets the innumerable products of art and industry, and the improvement of which is the aim of all students of the social sciences.

The Council are fully alive to the great efforts that will be required to provide for all the exigencies of a metropolitan meeting, and they some time since appointed an Executive Committee to make the necessary arrangements without delay. The melancholy death of the Prince Consort caused the postponement of a preliminary meeting at the Mansion House, and has thrown a gloom over the prospects of the year. His Royal Highness took a warm interest in the welfare of the Association, and it had been confidently expected that he would have consented to preside over the London Meeting, and lend to its proceedings the invaluable aid of his intellect, experience, and European reputation. The grave, which has closed over this and so many other expectations, has deprived the nation of one of the warmest and most enlightened promoters of social science.

It only remains to add, as has been the custom in the former volumes of *Transactions*, a short account of the last Annual Meeting. The Association assembled at Dublin, on Wednesday, the 14th of August, 1861, and continued in session for one week. The number of Members' tickets issued was 445; and of Ladies' and Associates', 1,347. The opening meeting was held in the Mansion House, where an address was delivered by Lord Brougham, to whom a vote of thanks was given on the motion of the Lord Lieutenant, the Earl of Carlisle, seconded by Mr. Justice Fitzgerald, and supported by the Duke of Wellington. A resolution, thanking the Lord Mayor for the use of the Mansion House, was proposed by Lord Curriehill, of Edinburgh, seconded by Mr. M. D. Hill,

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Recorder of Birmingham, and was unanimously adopted. The Departmental Addresses were delivered by the respective Presidents, one on each morning, before the business of the sections had commenced, in a hall liberally granted for the purpose by the Incorporated Society of Solicitors. Nearly 200 papers were contributed to the meeting, of which 173 were read.

On the evening of Thursday the 15th, the Association assembled at the rooms of the Royal Dublin Society at a *Conversazione* given by that body. The Dublin Statistical Society also entertained the Association, on the evening of Tuesday the 20th, at the Museum of Irish Industry. On the evening of Friday the 16th, a Meeting for Members of Literary Societies, Young Men's Societies for Mutual Improvement, and other similar institutions, took place in the Round Room of the Mansion House, under the presidency of Lord Brougham. His Lordship also presided over a Temperance Meeting, held in connexion with the Association, on the evening of Wednesday the 21st.

The business of the Departments was conducted in the Four Courts, which were placed entirely at the disposal of the Association throughout the week. The concluding Meeting was held on Wednesday the 21st, when the Report of the Council was read. The Reports from the Bradford Local Standing Committee, and from the Local Associations of Liverpool and Aberdeen, were also read, and are appended to this Introduction.

To the efforts of the Local Officers the success of the Dublin Meeting is largely due. Dr. F. Waller, Mr. J. Lentaigne, and Dr. Neilson Hancock, were unremitting in their exertions, both previous to and during the week of the meeting. To the Royal Dublin Society and the Dublin Statistical Society, the Association was indebted, not only for a liberal hospitality, which added largely to the pleasure of the meeting, but for an amount of support from their learned

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presidents and members which gave scientific value to many of the important discussions of the Departments. Among the chief causes which contributed to the success of the meeting was the generous kindness shown by the Lord Lieutenant, who has from the origin of the Association taken a deep interest in its welfare, and who rendered it important service at Liverpool by filling the office of President of the Department of Punishment and Reformation. His Excellency was present daily in one or other of the Departments, and on the evening of Monday, the 19th, entertained at a banquet upwards of one hundred of the leading members, and received the whole Association at the Castle in the evening.

The Treasurer's cash account for the year ending July 31st, 1861, is appended. Mr. William Hawes has been appointed auditor in the room of Mr. Jelinger Symons.

GEORGE W. HASTINGS.

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APPENDIX.

Report of the Bradford Local Standing Committee, 1861.

The Bradford Local Standing Committee have resolved to form a Branch Association, Class No. 1, as defined in the Volume of *Transactions*, 1860. Introduction, p. xxvi. note; and with the forty or more subscribers whose names continued on the books of the National Association last year, together with others who may join, they hope to organize it accordingly.

It is intended to do so more fully at the close of the Dublin Meeting, when several points contemplated by the Committee with a view to enlist as wide and influential a support as possible, will be considered.

The Committee thus fully trusts that efforts for social amelioration in their own vicinity, to which the Bradford Meeting of 1859 gave so valuable an impulse, will enable them to contribute their share to the Social Science which the National Association seeks to promote.

The two Institutions of which a short report was given last year at Glasgow, viz. The Bradford Female Refuge, and the Bradford Workhouse Visiting Society, continue their useful and important labours, (*Transactions*, 1860. Introduction, p. xxii. note).

J. H. Ryland, *Secretary*.

Report of the Aberdeen Local Association.

In the early part of last year it occurred to several gentlemen taking an interest in questions of social science, that the elucidation of these questions, many of them directly affecting the community of Aberdeen, would be materially promoted by the establishment of an Association for that purpose.

After several preliminary meetings, the Association was formally constituted on 9th May, 1860, by the adoption of a constitution and the election of a President, a Council, and other office-bearers.

With a view to greater efficiency the Council appointed Committees of their number on the various branches of the subject, viz., Law, Education, Crime, Immorality, Public Health, and Social Economy. Shortly after their appointment, the Education Committee issued schedules of queries to all the teachers of schools within the parliamentary boundary of the city of Aberdeen, as to the number of children in attendance, the branches taught, and the dimensions of the schools, &c. The returns obtained in answer to these queries, though not so complete as could be wished, yet contain a large amount of valuable statistical information, which the Committee hope to turn to good account.

The Commiteee on Illegitimacy, principally through two of their members, were enabled to afford some important statistical information to Mr. Valentine, which he embodied, along with the results of his own inquiries, in a paper on "Illegitimacy in Aberdeen and the other principal towns in Scotland," which he read at a meeting of the Council of the Association on 19th Sept. last, and which was afterwards printed in the *Aberdeen Journal*.

The Fourth Annual Meeting of the National Association was held at Glasgow, under the presidency of Lord Brougham, on 24th September, 1860, and the five following days. The attendance was greater than on any previous occasion; the number of tickets issued was 2,872. The Aberdeen Association having been admitted as a corporate member, nominated as its representatives to attend the Glasgow Meeting, Sheriff Watson and Mr. Valentine.

In the Third Department (Punishment and Reformation) two Papers were read by Sheriff Watson, on "the Crime of Aberdeenshire for the ten years preceding 1860," and on "the Industrial School, as it affects the Child, the Parent, and the Public." Papers were also read by Mr. Thomson, the President, on "the Principles of the Aberdeen Industrial Feeding Schools," and "a brief History of Pre-

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ventive and Reformatory Work in Aberdeen," and on "the Licentiousness of Scotland." Mr. Valentine's paper before referred to was intended to be read at Glasgow, but unfortunately, through some mistake as to the time for giving in papers, it was too late to be received. The Volume containing the *Transactions* of the National Association for 1860, is in the possession of your Association, and with the other three preceding volumes may be consulted by any member.

Stated monthly meetings of the Association were held during the winter and spring, from October to April inclusive, for the reading of papers and discussion of questions relating to the objects of the Association. At these meetings Papers were read by Sheriff Watson, the Vice-President, on "Crime, with special reference to Aberdeenshire;" by Mr. Batten, on "the Industrial Employment of Women;" by Mr. Watt, on "the Extension of the System of Industrial Schools to a higher grade of Children;" by Mr. McCombie, on "Homes for the People;" and by Mr. Cadenhead, on "a Scheme for increasing the Efficiency of Industrial and Reformatory Schools."

The Council desires to express its obligation to these gentlemen for the trouble taken by them in the preparation of these Papers, and its sense of the importance of many of the suggestions offered; and the Council cannot but regret that the attendance of members at these meetings was not more numerous. As respects the funds of the Association, the Council has to report, that no entry-money having been charged to meet preliminary expenses, and the annual subscription having been fixed at the very low sum of 5s., the amount received has been barely adequate to meet the necessary outlay for printing and other expenses connected with the establishing and carrying on the Association.

It has been suggested to the Council, with the view of exciting more interest on the part of the public in the proceedings of the Association, to hold a series of popular lectures on questions relating to the object of the Association, by some of their own members, and by gentlemen from a distance, who might be disposed to give their services. Such a scheme, however, must be attended with some expense; and unless a very considerable addition is made to the funds during the ensuing year by new members joining the Association, and by donations from those interested in its success, the proposal cannot be adopted, or the business of the Association carried on with efficiency.

Report of the Liverpool Local Association.

The Committee of the Liverpool Local Association for the promotion of Social Science, have the pleasure of reporting to you, that their efforts to create an interest in the important subjects with which they deal have, so far, been attended with a moderate amount of success.

During the few months which have elapsed since our Local Association was formed, it has held meetings at which papers have been read, and discussions entered into, on the following subjects, viz.:

1. The application of statistics to the advancement of Social Science.
2. The reformation of adult criminals.
3. The prevention of cruelty to sailors on the high seas.
4. The diminution of infant mortality.
5. The means of preventing adulteration of human food and drink.
6. The general objects and practical working of Social Science Associations.

On each occasion, our Committee has been indebted to some member of the Association for the production of an able and interesting paper on the subject in hand, which has served to create an animated debate, of which it is hoped that the results may, sooner or later, take a practical form.

Of the subjects enumerated, that which relates to the prevention of cruelty to sailors on the high seas is one well suited for consideration in a commercial community like that of Liverpool. To this cruelty, of which the existence is too well authenticated, we have at present no sufficient check, owing to the imperfection of our treaties with other nations. Although, whenever a vessel reaches a port of her own country, due cognisance can be taken of any crime committed on board during the voyage just ended, no proper provision whatever exists for the

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punishment of similar crimes in the case of a vessel reaching some foreign port; for our international arrangements do not admit of a delinquent being tried by any foreign court of justice, unless his offence has been committed within the territory to which that court belongs. Thus, an English ship-master, on arrival in an American port, though known to have killed or ill-treated one of his sailors, is safe from arrest by any American authority; and in like manner, an American ship-master, on arrival in this country, may set at defiance all British magisterial authority, though guilty of any enormities while at sea. It is true that, in either case, the consul of the nation to which the ship belongs may cause the accused to be arrested and send him to his own country for trial and punishment; but, in practice, this resource is of little avail, as the expenditure of time, money, and trouble thereby incurred are so great as generally to prevent action, and many flagrant cases of unpunished guilt have consequently occurred. Our Association, while much deploring this great evil, find it difficult to suggest a remedy which, while sufficient for the purpose in view, might not occasionally be subject to abuse, and give rise to national jealousy. They have referred the question, however, to a sub-committee of three gentlemen, who are well versed in questions of commerce and international law, and from whom some valuable suggestions may, we hope, be obtained.

To the adulteration of human food and drink, which prevails to such an injurious extent throughout the kingdom, our Association are endeavouring to direct public attention, with a view to the adoption, if possible, of efficient remedial measures. At two meetings devoted by us to this subject, much valuable and interesting information was received from scientific and professional gentlemen; and after animated debates, the question was referred to a sub-committee, who have since recommended that a public meeting should be held for the purpose of urging our local authorities to put in force the powers conferred on them by the recent Act of Parliament, and to appoint a public analyst in the manner therein indicated. It is felt that this step, though it possibly may fail in effecting the object wished for, should nevertheless be tried, by way of experiment, rather than that complete inaction should prevail, as it does at present.

On the other topics enumerated no special comment is here desirable, as our Association have at present no particular new facts or arguments to bring forward regarding them. Suffice it to say, that we hope to labour steadily in the fields of inquiry which they indicate. During the ensuing autumn and winter it is our intention to hold a further series of meetings for the discussion of these and similar questions; and our Committee hope that by degrees the public of our large towns may be roused to greater action with regard to the many evils which notoriously exist around them, and which can only be removed by steady and united efforts. Our chief attention will, of course, be devoted to subjects of local interest, especially those that concern our commerce and seafaring population; but the Association will at all times be ready to assist in the investigation of questions which affect the welfare of the country at large; and hope to be in frequent communication with the Parent Association, from whom any advice or assistance will be very thankfully received. The number of our members at present rather exceeds two hundred, who subscribe half a guinea each annually towards our funds. This number is but small for so large a town, but we expect to see it steadily increase.

WM. H. JONES,
Honorary Secretary.

Liverpool, 13*th August*, 1861.

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TREASURER'S CASH ACCOUNT FOR THE YEAR ENDING 31st JULY, 1861.

Dr.		£	s.	d.
To Balance of last Account (31st July, 1860) at Banker's	£95 12 8			
,, Petty Cash in Office	11 11			
		96	4	7
,, Annual Subscriptions for 1858-59		1	1	0
,, Ditto Ditto 1859-60		10	10	0
,, Ditto Ditto 1860-61 :—				
London...	£436 16 0			
Glasgow	700 7 0			
		1,137	3	0
,, Ditto Ditto for 1861-1862, and 62-63...		85	1	0
,, Life Subscriptions :—				
London...	£63 0 0			
Glasgow	210 0 0			
		273	0	0
,, Balance of Subscriptions		0	12	0
,, Surplus from Glasgow Meeting ...	£1,749 15 1			
,, Less Annual and Life Subscriptions included above	£910 7 0			
		839	8	1
,, Copies of *Transactions* sold :—				
London	£10 16 6			
Glasgow	£40 6 6			
		51	3	0
,, Copies of *Trade Societies' Report* sold		30	7	8
,, Interest on Deposit at Banker's...		13	18	4
		£2,538	8	8

Cr.		£	s.	d.
By Expenses of Editing and Publishing the *Transactions* of 1860		807	17	3
,, Grant to Quarantine Committee		25	0	0
,, Expenses of publishing *Trade Societies' Report* ...		347	11	6
,, Rent of Offices		125	0	0
,, Salaries		150	0	0
,, Collector's Commission		25	5	0
,, Stationery and Printing		163	10	6
,, Travelling Expenses of Secretary and Assistants ...		68	17	6
,, Office Expenses, Postages, and Advertisements ...		62	11	6
,, Expenses of Conversazione at South Kensington Museum		116	13	9
,, Balance at Banker's on Deposit Account	£500 0 0			
,, Ditto on Current Account	146 1 3			
,, Ditto in Office	0 0 5			
		646	1	8
		£2,538	8	8

We have audited the above account, and found it to be correct,

J. VAUGHAN, }
W. HAWES, } *Auditors.*

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OPENING ADDRESS

BY THE

RIGHT HON. LORD BROUGHAM AND VAUX,

PRESIDENT OF THE ASSOCIATION.

IN opening the fifth Congress of the National Association, I need hardly observe that it would ill deserve its name if it did not embrace the important part of the empire in which we have now the happiness to assemble. We are in the great capital of Ireland, renowned for having given to the world men illustrious in all the departments of science and of art, as well as of arms. But it is to me individually a painful reflection that the most eminent of these, and whose friendship was my comfort and my honour, I cannot meet in this my first visit to the country adorned by their transcendent genius—Grattan, Plunket, Wellington, Wellesley—the great patriot, the consummate orator, the first of warriors, foremost, too, among statesmen, and the illustrious head of his house, the greatest of all who ever ruled over Ireland: all of these I have been doomed to outlive, and to the dispensations of Providence it is fit we should be resigned. But the loss of such men to their country is grievous, and more especially of one whom I have named. The others had accomplished the high work to which they were severally called, and left their bright example to guide us, and their success to cheer; but of the great duke, whether in peace or in war, whether we look abroad or at home, while we cherish the immortal memory, we feel the loss not to be repaired.

It now becomes my duty to note the progress which social science has made during the last year, and its present state and prospects. We are met again by the complaint that few of the plans proposed by us have been accomplished, and that of the measures originating in our labours, many have failed to pass through the Legislature. But the progress of all the sciences and arts is slow, because their improvement is necessarily gradual.

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Our limited faculties can never reach at once the utmost excellence of which they are capable, and their exercise can never complete suddenly any great work, but must proceed by steps towards its accomplishment. In the whole circle of science you find gradual progress to be the rule. Thus the vast changes which Newton made in the mathematics and in physical science were effected after others had made a near approach to the same point. The calculus, in itself so great an extension of analytical science, and in its consequences producing such a revolution in all the exacter sciences, had, above a quarter of a century before its invention, been nearly discovered by Cavalleri and Roberval, and still more nearly by Fermat, and some years later most nearly of all by Barrow; while the doctrine of gravitation, and its explanation of the heavenly motions, had been approached, at any rate had the way prepared for it, by Galileo, Kepler, Huyghens, Borelli; and even his optical discoveries had been partially anticipated by Kronland of Prague, and Antonio, Bishop of Spalatro.

The science of chemistry, from the dreams of the alchemist to the erroneous theory of Stahl, made slow progress, and by successive improvements was freed from those errors, and grew into the science which Black, Priestly, Lavoisier, and Davy, brought to its present state.

The great rule of gradual progress governs the moral sciences as well as the natural. Before the foundations of political economy were laid by Hume and Smith, the French economists had made a great step towards it, and Turgot had himself worked, and as a minister had patronized the labours of others in the same direction. Again, in constitutional policy, see by what slow degrees the great modern discovery of representative government has been made from its first rude elements,—the attendance of feudal tenants at their lord's court, and the summons of burghers to grant supplies of money. Far from being impatient at this slow progress, we ought rather to reflect that the sure advance of all the sciences depends in a great measure upon its being gradual. But the common law of our nature, which forbids the sudden and rapid leaping forward, and decrees that each successive step prepared by the last shall facilitate the next, is in an especial manner of importance and of value in the social sciences,* which so nearly affect the highest interests of man-

* It has sometimes been said that the term Social Science is inaccurate, because all sciences concern mankind, and therefore this expression may denote them all. But this view of the subject is extremely incorrect. At the same time it must be admitted that all attempts to produce an accurate classification of the different branches of human knowlege have proved very unsuc-

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kind. Here our course, to be safe, must be guided by the result of experience, and must always be of a tentative kind. We must even be prepared to change our direction and our pace, and to retrace our steps when we find we have gone too fast or in a wrong direction. The skilful navigator, when steering on an unknown coast, after taking all precautions to obtain information respecting it, having no chart, or none that can be relied on, proceeds with the lead ever in his hand, and the glass at his eye, lies to, when he can, at night or in a fog, and has his sails and his helm always ready to change his course on the least indication of peril. The safety of his ship and crew depends upon such precautions; and the safety of the community depends upon all proposed improvements, which are changes, being first most maturely considered, and, when adopted, being carried into execution by such advances as shall give time for correcting errors, or stopping short, or altering the course pursued, when actual experience proves it to be wrong.

Take an example from the great change in our jurisprudence which I had the satisfaction of bringing about in 1851, by the Act for the examination of parties in all civil suits. Above twenty years before I had strongly urged the change of the law of evidence in this and in other respects. Various improvements had been effected rather by judicial decision than by statute—by what Mr. Bentham used to call "judge-made law." Then, in 1843, Lord Denman carried a bill for removing the objection of interest to a witness's competency, which I had in vain proposed fifteen years before.

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cessful, and that we must rest satisfied with an approximation to such an arrangement. How egregiously the most celebrated attempts have failed is well known. Locke's scheme leads to classify the calculus with anatomy, and entomology with theology: Bacon's separates intellectual philosophy from theology, and optics and acoustics from natural philosophy, and joins them with ethics: D'Alembert's, in the much-vaunted Preliminary Discourse to the Encyclopædia, brings mathematics under natural science, and heraldry and rhetoric under logic. It is better to content ourselves with the ordinary, intelligible, and convenient classification of Mathematical, Physical, and Moral, while the latter are divided into those which relate to man as an individual and those which relate to him as a member of society. The term Social Science seemed preferable to Political, which might be used to designate the last of these classes. It seemed preferable, because it appears to exclude the subjects of party controversy, and to describe those sciences which all parties are agreed to promote, or at least candidly to discuss. A single word has been desiderated to express the nature and objects of the Association, and some, not belonging to it, have used the term *Sociology*, but this has constantly been repudiated by its members, as a barbarous mixture of languages, rather than resort to which the inconvenience of a circumlocution has been submitted to. It may, however, be observed, that use, the great arbiter in such matters, sanctions a like departure from purity of idiom in some well-known instances, as *gasometer*.

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In 1842 the proposal was renewed that, all objection of interest being proposed to be removed, the parties should themselves be made competent. But the bill passed, confined to witnesses not being parties. It was foretold by the objectors that perjury would be increased. The Act passed, and there was no increase of perjury. I then brought in the bill for the examination of parties, and it passed without much opposition, though the Chancellor of the day resisted it, and had it referred to a select committee. But I never should have carried it had not the first step been taken by the bill of 1843, and the experience under that Act shown how safely we might go further. The Law Amendment Society, the precursor and the ally of our National Association, examined minutely the working of the County Courts Act in the examination of parties. It circulated queries to all the judges of those courts, and their answers proved wholly favourable to the plan. I had thus for the bill the powerful support of actual experience for several years; and I now have hopes of being able to complete the great change by a further step, extending it to criminal cases, at least so far as giving the defendant an option of being examined if he pleases, and of course submitting himself to the sifting of cross-examination.

I conceive that the history of this great improvement in our jurisprudence throws a strong light upon the position that changes in measures of social improvement generally are best effected by degrees, and that the gradual progress of such improvement is not to be lamented, but rather, in the bulk of instances, to be deemed safe and beneficial. He is no friend to the advance of Social Science in any of its branches who hastens forward with heedless unreflecting speed, despising all that is gained, because it is less than all that he desires, and looking down with contempt upon those whom he passes in his impatient course. This spirit, so inimical to real, solid improvement, sometimes is the fruit of zeal without knowledge, but not unfrequently arises from mere selfish desire of distinction, when a man, sacrificing a great cause to his personal ambition, becomes a public enemy—

"Vain glorious, who through infamy seeks fame."

For this is one of those occasions in which vanity, from being as it commonly is, a harmless folly, only ridiculous, rises into a crime, becoming selfish, unprincipled, pernicious, and disgraceful.

It is, however, fit that we now consider the progress which has been actually made since our last Congress;

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and here I would first of all mark the very gratifying change that has taken place of late years, and to which our labours have materially contributed—the change in the economy and management of their estates by the owners of landed property. The improvements in agriculture have obliged landlords to make a great outlay upon draining and farm buildings, highly beneficial no doubt to themselves, and therefore well bestowed; but in most instances so difficult as to require the help of loans. Yet, at the same time, they have generally contributed in a degree formerly unknown to what could afford no pecuniary benefit, the building and support of schools, improving the dwellings of the poor, and the building and repair of churches, thus spending most upon these excellent objects when they had least to spare. As a learned and reverend friend of mine, Mr. Elwyn, has observed:—"It is one of the happy effects of advancement in any path that it begets a zeal for advancement in other directions, and he who begins by improving his estate ends in wishing to improve the people upon it and near it." Nothing can be more delightful than to contemplate this progress in classes, generally speaking, the most reluctant to approve of changes, because the slowest to believe in their expediency or even safety; and it affords the strongest reason for extending to the agricultural labourers and their children the benefit of those wholesome restraints of late years imposed upon the improper employment of labour in other branches. It is a most consolatory circumstance to all friends of social improvement, and of the sound and liberal principles which insure its progress, that the reign of these principles seems to be established universally. We cannot, indeed, say with the great poet, when expressing his thanks for the Restoration—

> "At home the hateful names of parties cease,
> And factious souls are wearied into peace."

But at least they are tired of resisting the truth, and thus we find that upon the most important questions there is now little to distinguish conflicting parties, all being alike the professors of opinions which but a few years ago formed the main ground, or, it might be, the chief pretext of their differences. Thus, the stoutest adversaries of secret voting (perhaps well advised in their opposition) have lately insisted upon introducing it at one of our universities, with an intimation that it ought to be generally applied; for the voting by signed papers, though its proposed object be to save the voter's journey, of necessity insures his escape from observation.

The most important of all our departments, unquestionably,

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is the first—that of Jurisprudence; and here we have not to report a great number of measures recommended at our former meeting, and adopted by the Legislature, but those which happily have been approved and passed are of very great moment. An elaborate report, with suggestions, on the patent law, and the reports on private bill legislation, have as yet borne no fruit. But the important propositions respecting charitable trusts, made by our learned and distinguished colleague, Sir W. Page Wood, have to a great extent been adopted by the Education Commission, under the Duke of Newcastle; and the amendments of the bankruptcy and insolvency laws which, after the fullest investigation, we so strongly recommended, have almost all been introduced into the new Act, the careful and skilful framing of which reflects the greatest credit upon the Lord Chancellor. It has not passed through the ordeal of the Lords without material changes; but it is an important amendment of the law. Great complaints were made at the last Congress of the manner in which the time of the Legislature was consumed, almost to waste, by endless and useless debate in one of the houses; and the worst consequence of this was felt and deplored in the loss of the bills for the consolidation of the criminal law. Although it cannot be with truth affirmed that the grounds of the complaint are removed, yet they have been somewhat lessened during the last session; and certainly there has been the most satisfactory change in the manner of dealing with these important consolidation bills, a change which may, in part at least, be ascribed to the effect of our remonstrances. The wise resolution which we strongly urged, supported by the high authority of my esteemed friend, Lord Lyndhurst, has been adopted, of taking upon trust the project framed by learned and skilful persons, and examined by a committee of the Lords; and thus five Acts have been passed containing a digest of the main body of the criminal statute law. That there is no other conceivable means of attaining this great object, has long been the opinion of practical lawgivers, and after it had so long been rejected by the Legislature, it is gratifying to reflect that the labours of this Association have contributed to its adoption. Nor can any gain to our jurisprudence be more important both in itself and as leading to a digest of the law in all its branches; for nothing can more directly tend to its improvement in every way. But, furthermore, it is confessed on all hands that the subject has an indisputable right to protection in return for his allegiance, nay, as the very condition of his allegiance. Yet involved in this is the right to be made acquainted with the laws under which

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he lives, and submission to which his allegiance implies. But the ancient tyrant who placed his laws at such a height that the people could not read them, hardly did a worse act than they who so wrap them up in vague language, and so mix and confound their provisions, that when read they are not understood. Happily, there is an end to this grievous defect in our system, a certainty of having a digest, which for many years was beyond my most sanguine expectations, when the labours of those to whom nearly thirty years ago I committed the consolidation, giving us most valuable reports, seemed doomed to disappointment by the course pursued in the House of Commons, and would have continued ineffectual but for the exertions and influence of our National Association. Let us, however, hold in grateful remembrance the invaluable services of Messrs. B. Ker, Starkie, Greaves, and Lonsdale, towards the success of this great work. We may now hope to see the expectation of our learned colleague, Sir F. Kelly, fulfilled, who in his repeated attempts at consolidation, and in presenting the ably framed bills which he successively brought in, calculated upon the number of statutes which they embraced, and saw good reason to believe that he would reduce the forty volumes now filled by the statute law to four. His services have not been confined to this branch of jurisprudence. In two succeeding sessions he introduced a most important bill for removing the defect of our law as to wills of British subjects executed abroad, and it passed the Commons both times, but fell through in the Lords. Lord Kingsdown's bill, now passed with the same object, though less extensive than Sir Fitzroy's, removes a great part of the defect complained of. Finally, a most important Act has been happily passed, and with less difficulty than our excellent colleague, Mr. Villiers, its author, expected, reducing the time of gaining settlement from five to three years, extending the required residence over the whole union, and distributing the payment of rates more justly and equally. We may congratulate our colleague on a measure which will in all probability be followed by others to remove the whole defects of the settlement law. It is very unfortunate that the lamented death of his brother, the Bishop of Durham, deprives us of his attendance at the Congress.

In this Department of Jurisprudence we must record a very important statement and motion of our colleague Lord Clanricarde upon Irish judicature and judicial procedure in comparison with the English, and he has since extended it to proceedings at sessions. A commission was appointed in consequence; but, independent of all inquiry, and whatever

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legislative measure may be the result, it was manifest that the Department of Judicial Statistics, which was established in England with so great advantage to the progress of our legislation, might be extended to Ireland; and having offered this suggestion, which the noble marquis entirely approved, I have had the satisfaction of learning that the Government lost no time in acting upon it, to the great benefit of our judicial system.

In coming to the next Department, Education, our attention is first of all arrested by the great event which has happened since our last meeting, and to which our unwearied exertions have most essentially contributed—the repeal of the paper duty, the heavy tax upon knowledge in every one of its various branches. That gross and glaring anomaly in our legislative as well as administrative, proceedings, has now ceased. We can no longer be charged with, at one and the same time, paying for schools to teach, and raising the price of the books taught—of encouraging people to read—of patronizing authors and multiplying readers, while we make it unprofitable for the former to write, and hard for the latter to read. The effect of this most salutary change has been immediate, and it has been great. Over what an ample field its operation extends may be seen by this, that one daily penny paper has a circulation of 80,000, and a halfpenny weekly journal, with excellent cuts, has been established, and already issues above 180,000.* My complaints, made at the Liverpool meeting, can, therefore, no longer be urged, and a prodigious benefit has been conferred upon all the departments of knowledge by the steady perseverance of Mr. Gladstone in carrying this great measure against the most formidable resistance both in Parliament and beyond its walls. Of that benefit we of the National Association have our full share, along with the gratifying reflection of the part we took in obtaining it. The good thus bestowed seems to be free from all admixture of evil; for the alarm felt by some, affected by more, at the cheap newspaper press is really groundless. The bulk of readers, always influenced by the more rational and better informed part of the community, will entirely discountenance and prevent those outrages upon all taste, as well as truth and

* The correction has been made of 8000 for 180,000, the actual ordinary circulation of the work. Since the Congress it has been found that a halfpenny daily paper is published at Liverpool. Such journals must needs bear a great proportion of their expenses through their advertisements; but the more costly publications also derive a large part of their revenue from the same source. Thus the *Quarterly Review* has 80 pages of advertisements in its last number, and the *Edinburgh Review* 140.

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decency, which we have seen in the press of some countries—of one particularly, so gross as almost to pass belief. But the character of the people must not be judged as if they could approve of such things. We might as well charge the French countrymen of Lavoisier and Lafayette with being robbers and murderers because the daily papers of Marat and Hebert preached wholesale pillage and assassination, as hold the countrymen of Washington and Franklin answerable for the sins of their press—a compound of slander, fraud, and bluster. So the incomparably lighter excesses with which our journals may be chargeable in the heat of factious controversy are never more than passing and temporary, giving way to the predominant good sense and good taste of the community. The solid benefits obtained by the multiplication of cheap papers, and works of all kinds, are real and permanent, and a subject of just congratulation, if it were for nothing more than their tendency to free the public from monopoly,* and the domination which that monopoly has its wonted effect in producing.

But our proceedings touching education have been successful in other directions. At the Bradford meeting the vice-president over this Department was Mr. Chadwick, so well known for his invaluable services on the Poor Law Commission thirty years ago, and without whose aid and agency that great measure of practical social science, the new Poor Law, could never, in all probability, have been prepared. At Bradford he communicated to Mr. Senior, one of the Education Commissioners, who attended our Congress, the result of the discussions in the Section over which he presided upon the important subjects of reducing the time consumed in teaching at schools, and of forming those schools and unions so as to lessen the cost and increase the efficiency of instruction. The

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* The setting up cheaper publications has an evident tendency not only to supply more information, but to impose a check upon those already established. No one, for example, can doubt that the *Edinburgh Review*, for the first seven years, showed a more dictatorial spirit than it did after the *Quarterly* was established; and both these journals have had a greater power, when they concurred on the merits of works, as well as of questions, than they have possessed since the establishment of the *North British* and other publications. Periodical works of this description may now be published at one-third of the price; but these probably could not give sufficient remuneration to secure literary labour of the highest class. However, with a price sufficient to obtain that, they may enter into a useful competition with the established publications. In the case of newspapers, the heavy expense of obtaining early intelligence is in a great measure saved by those of a low price; this is unavoidable, with the help of railways and telegraphs, but there can be no doubt that it is an interference with property, and those who now suffer would have a right to complain, but that there are no conceivable means of protecting them.

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Commissioner requested him to examine these points in detail when the Congress broke up. He did so, and collected a most valuable body of information, by visiting the schools in the manufactories of the West Riding, conferring also with school inspectors and medical men. His report was, unfortunately, too late to be inserted in that of the Commission; but it has since been moved for in the House of Lords, and is presented with his letter to Mr. Senior. It may be considered as an event in the history of education, and it is quite certain to occasion extensive improvements, increasing the number of children taught, lessening their labour, and making it conducive to the health both of the body and mind. I certainly regard Mr. Chadwick as having rendered to education a service equal to that which the amendment of the Poor Law owes him. On the former occasion I gave him what I deemed his due commendation, speaking as a minister of the Crown, in the assembly over which I presided. I knew him not personally, nor was I aware to what profession he belonged. Panegyric is never popular; and mine was not soon forgiven; I don't know if the subject of it was assailed; I well remember the author of it was, pretty severely and pretty generally.

> "Satire is sure to find a willing ear,
> And they who blame the sneerer love the sneer.
> But righteous tributes no emotion raise,
> And those that love the virtues hate the praise."

In this Congress I hope that my motive may plead in extenuation of the fault, and I may be pardoned for being dull by the consideration that I have been just.

A further and an important advantage has been gained by the last Congress for the interests of education. The progress of popular instruction had been grievously obstructed by the separate and oftentimes conflicting proceedings of its promoters, attached, and conscientiously attached, to different sects of religion, acting in opposition to each other, though if brought together, and to a clear understanding, they might, from their honest zeal for a common object, have been led to co-operate, or at least, not to conflict. This great step was made in the Congress at Glasgow. For the first time the leaders of the Established Church party, of the Free Church party, and of the United Presbyterians, met together, and maintained their respective views before the members of the Association. The result was the formation of a representative committee, (of the chief denominations,) whose labours, there is every reason to expect, will lead to a reduction of the

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points of difference, and a removal of the main obstacles to progress. Both at that meeting and at Bradford the important advantage was gained of bringing the ecclesiastical school teachers in more full communication with the laity, and with the professors of sanitary science. In the country where we are now assembled, it would be improper to leave the great subject of education without mentioning a fact that has been reported to us on good authority, and even under the influence of prejudices which it rather thwarted. In Scotland it is found that the Irishmen educated at the larger National Schools are, in consequence of their greater steadiness, sobriety, and general trustworthiness, preferred to ill-educated Scotchmen, for the places of foremen in the manufactories; and our good countrymen of Scotland have a similar complaint of the greater number of Irish educated at the colleges being successful candidates for Indian civil service appointments.*

In our Sanitary Department considerable progress has been made. The Quarantine Committee have brought their labours to a close, and presented an elaborate report. It has been communicated to the Board of Trade, which had formerly directed to be laid before Parliament the answers to our queries, and it has laid this report also before Parliament, which has ordered it to be printed. The information collected, and the suggestions made, are admitted to have essentially improved the sanitary condition of our mercantile marine. The report will be read by the learned secretary of the committee, Dr. Milroy. The diffusion of sanitary knowledge is a most important part of the duties of this Department; and as the Association has from the first desired and accepted the co-operation of women, the council have had no doubt in affiliating the Ladies' Sanitary Society, which acts under the highest patronage, and spreads among the poor a knowledge of the laws of health; it being now admitted that much of debility, disease, and premature mortality in England results from ignorance and error, and might be prevented. The society circulates many tracts upon the subject, has lectures delivered in the poorer districts of London, and engages in district visitings, beside instructing the parochial clergy in the work, and in many cases holding meetings in their vestries, where poor women are familiarly instructed on matters connected with health.

The Criminal and Reformatory Department presents very

* The Scotch have, from accidental circumstances, such as the first Lord Melville's connexion with the administration of India, long had a great proportion of Indian appointments. The interference with this was somewhat severely felt.

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satisfactory results; and it may be fit at this meeting that we dwell more especially on the Irish branch of the subject. The number of reformatory schools is but small, and it is devoutly to be wished that they were multiplied. But the diminution of crime in this island, of late years, is most satisfactory; and allowing that the great migration since the famine years has had much influence, enough of the improvement remains to reflect the greatest credit upon the instructors of youth and the ministers of religion. The decrease in the number of the people makes any comparison of the commitments for offences inconclusive, unless we regard the proportion of these to population. These were, in 1856, as 1 to 923 of the people; in 1859, as 1 to 1,117; and in 1860, as 1 to 1,217. The number of juvenile offenders decreased in a still greater proportion. Pre-eminence among the subjects engaging our attention must, in some degree, be determined by local circumstances; and we this year assemble in a capital that affords the opportunity and imposes the duty of inspecting the operation of the Irish convict system, which has received the attentive consideration, not of Great Britain only, but of the Continent of Europe, and of the United States of America. In truth, it well deserves all the praise it receives wherever the public mind is awakened to the paramount duty of making such exertions as may render the punishment of the criminal the instrument of his reformation. Here the problem has been solved how to deal with convicts, and send them forth cured, instead of subject to relapse, infecting others—criminals and the teachers of crime. Of this system, under the board of directors, with Captain Crofton at their head, and his able colleagues, Messrs. Lentaigne and Whitty, the fundamental principle, simple and rational, long ago laid down by that experienced judge and steady patron of the system, Mr. Hill, is to make the convict the agent of his own reformation, by annexing the condition of good conduct to every indulgence beyond the barest sustenance, to removal from cellular to social labour, and to shortening the period of his confinement. His fate is placed in his own hands. But he is not merely superintended and watched; he has constant intercourse with those in authority, as chaplain, teacher, director, whose treatment is considerate and kindly; he is treated as an individual, not as one of a mass; and this "individualization," as it is termed, has great advantages over our English mode of dealing with the whole convicts in the bulk—the same advantage that a school of many teachers and few pupils has over one where a large number are under a single master. Another superiority is in the rigour with which the

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conditions of liberation are enforced on the "ticket-of-leave" men, arrest at once following on the least breach of the conditions. A third is the absolute prohibition of all fermented liquors, even to those who for their good conduct have earned a small advance out of the fund set apart from their gains and kept till the time of their discharge. Mr. Clay, in the Memoirs of his father, (many years chaplain of the Preston Gaol, whom I well knew, and, in common with all who knew him, held in the highest esteem for his virtuous life and most useful services,) in comparing the English and Irish returns, has remarked that the former take all ticket-of-leave men as unconvicted against whom nothing appears, whereas the latter more accurately give the result of the information taken by tracing the party ever since his liberation. This diversity prevents us from making any comparison between the numbers in the two cases; but the different results of the two systems may be gathered from the fact that at Lusk we see numerous convicts set to work, and only retained by moral restraint, without any sentinels, while at Portland we see the convicts quarrying stones for the breakwater, under the guard of sentinels with muskets and bayonets, and on the breakwater itself, which is more difficult to guard, free labourers, and not convicts, are employed.* Another test of the Irish system may be stated as decisive—the confidence of the public in the reality and permanence of the reformation effected, inasmuch as discharged convicts at once find employers willing to receive them, experience proving that they may be relied upon as steady and trustworthy servants.

The statement which has been put about, that the Irish plan is only adapted to the local circumstances of the country, is entirely refuted by referring to the adoption and support of the system abroad. Baron Holtzendorff, professor in the University of Berlin, has published an excellent work upon it, and now honours this Congress with his presence. The celebrated jurist, Professor Mittermaier, of Heidelberg, has given his ample and zealous testimony in Captain Crofton's favour; and Count Cavour, in the midst of all his labours and anxieties, during the last two years of his life, applied himself to master the principles of the system, which he introduced, under Cavalier Peri, into the Tuscan territory. Truly we may reckon among the best friends of humanity those who perform the great work of making punishment conducive to the only purpose which we can with any

* It is said that the employment of convicts has been altogether given up at Portland upon the quarry, as well as upon the breakwater itself.

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certainty reckon upon its accomplishing. The tendency to prevent offences by deterring through the force of example is, in the opinion of all practical men, very much more feeble and uncertain than might be wished; indeed, the number of offenders, not prepared by previous reformatory discipline, found guilty of new offences, is a sad proof that not only the example, but the actual experience of punishment is ineffectual to deter. But of its influence, under well-devised arrangements, to reclaim offenders, there can be no doubt. Of this influence we may with certainty be possessed; and hence the high importance of the new system.

In the great Department of Social Economy much attention was at the last Congress given to the important introduction into the manufacturing districts of the co-operative system —the establishment of unions by the working-classes, for the purpose of sharing in the profits on the goods consumed or used by them, as well as of preventing adulteration of those goods, and for the other purpose of carrying on branches of manufacture. In both these kinds of union the progress has been very great since last year, and in the latter kind those doubts which seemed to exist of the scheme's practicability have been almost altogether removed. Above fifty companies for manufacture have been established since last Congress, besides many of mere stores. In these last a capital of £500,000 is invested; but in the former class the manufacturing concerns represent a capital of nearly £2,000,000, exclusive of the Manchester Cotton Company, (Limited,) whose capital is £1,000,000. The returns of Mr. Tidd Pratt show the creation of above 250 co-operative societies within the last twelve months, all enrolled under the Friendly Society Act. It is not wonderful that the members of such unions should be of an educated class, but that they should often exercise themselves in literary labours is remarkable. Besides entering into competition for the prizes generously offered by the *Dial* newspaper, and by Mr. John Cassell, whose volume of above twenty working men's essays I have just received, the working men of Manchester carry on a monthly journal of co-operative progress, without the help or interference of any other class. A number of this work now lies before me, from which it appears that in the second year of its existence the sale has reached 12,000; it is well conducted, and a hope is expressed of improving it when what they term "*the detestable duty on paper*" is given up. As might be supposed, the savings and the profits of these good men are in part applied to public purposes and to charity. Thus at Rochdale they have given to the town a drinking fountain, and contributed £50 to

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the Indian Relief Fund, besides smaller yearly sums to the Dispensary and the Deaf and Dumb Institution. The effect of co-operation in preventing those strikes, so pernicious to the working-classes and so dangerous to the peace of the community, has been everywhere felt. The late strikes at Colne may be ascribed to the want of co-operative unions in that district; but the mischiefs occasioned, and which left their traces behind, opened the people's eyes to their error, and the consequence has been the establishment in that district, within the last three weeks, of a shed with 700 looms upon the co-operative plan.

It is important to observe that, with another subject anxiously dwelt upon, as well as strikes, at all our former meetings, the great cause of Temperance has been intimately and most naturally connected. Not only are such of the contributors as had been subject to intemperance weaned from their habits, but it is mainly to temperate habits that the formation of these unions may be traced. Exceptions there may, no doubt, be; but, as a rule, co-operative societies are composed of sober and industrious men. It is equally consolatory to find that the improvement of health, the extirpation or mitigation of disease, everywhere keeps pace with the increased habits of temperance. But in no respect is it more gratifying than to observe the connexion of temperance with the diminution of crime. In France, it appears from our colleague M. Quetelet's statement, that no less than a fifth of all the murders during the last four years had their origin in tavern brawls. In six English counties having the fewest public-houses, we find that where they were as 1 to 109 of the population, the offences were as 1 to 591; but where the public-houses were as only 1 to 235, the offences were as 1 to 762. In Ireland the connexion of intemperance with crime is even more marked. Between the years 1838 and 1841 the consumption of whisky had fallen off above one-half, and we find, in the latter year, judges congratulating the counties on the small number of prisoners to be tried, and ascribing this happy change to the growth of temperance. So, in 1839, there were in Richmond Bridewell 3,202 prisoners, in 1841 only 1,604. It is remarkable, though certainly not surprising, that the prudence which leads to economy kept pace with the prudence of sobriety. In the former year the Dublin Savings' Bank had 7,264 contributors; in the latter 9,585. Source of disease, of poverty, of crime!—how long shall the heavy curse be suffered to afflict us? How long shall we submit to a conqueror more cruel than the armed invader—to a tyrant the most

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inexorable of all, which has subdued rational men, and avenged the world of unreasoning creatures for the wrongs received at his hands?

"Sævior armis
Luxuria incubuit; victumque ulciscitur orbem."

The little we have done to shake his dominion has only been enough to let us know and feel how galling is the yoke, and how much the fault is ours who bear it. The people have but to will it and they at once are free. All honour to Father Mathew in Ireland, and to the Grand Alliance in England, its learned secretary, and his able coadjutors! Nor can I duly perform my office at the head of this Association if I do not enjoin it as a duty incumbent on all its members and on every well-wisher to the progress of social science, to patronize Mr. Steele's most ably conducted quarterly journal of all its branches. But why should I refer to other branches than this great and fundamental one of Temperance? Recollect the memorable words of our learned colleague, that great philanthropist, Mr. Recorder Hill, who, in all his various efforts to serve the people, providing for their comforts, and reclaiming them from vice, declares, "Into what path soever I strike, in whatever direction I go, the Drink Demon starts up before my face and stops the way." I have said that the community have but to will it, and their chains fall off. The progress of the Grand Alliance, since our last Congress, has been my encouragement to say so. The Permissive Bill, allowing every district, by a majority in number and value of rated inhabitants, to prevent the opening of public-houses, or the continued licenses of old, has, on a careful canvass of many great towns —Manchester, Liverpool, Birmingham, Plymouth, Leeds, Sheffield—been accepted by very great majorities of the inhabitants, and by the greater number of the voters. Let us hope that the public opinion, generally improved upon the most important question of Social Science which can occupy the country, may prepare the way for legislation, which to be efficacious must be cautiously introduced, and under appropriate guards.

Our attention was engaged at the last Congress to the employment of women, and papers were read by Miss B. Parkes and others upon this important subject. There has been no relaxation on the part of these ladies since that time, and the printing establishment opened by Miss Faithfull has gone on with increasing success. The volume of *Transactions* for last year was printed at the Victoria Press, and Miss

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Faithfull is now engaged in publishing a volume, under her Majesty's sanction, containing original contributions from the leading writers of the day. Besides these exertions, Miss Parkes has originated a scheme for encouraging the emigration of educated women who cannot find employment in this country. But for the inferior cast of females, the exertions now making to reclaim the fallen and prevent the fall of others are above all praise. The loss of Lord Herbert's strenuous assistance is in this, as in all other parts of his most useful services, deeply to be deplored. Who can move along the less frequented streets of London, and not have his heart wrung by such accents too often coming from female lips, "I have not had a morsel of food this day?"

An important plan has been devised by my friend Mr. Layard,* with the assistance of Mr. Jerrold and others, towards encouraging the humbler classes in acquiring books, it being always found that the step which a poor man makes to being the possessor of a little library has a most salutary influence upon his habits. This gave rise to Book Unions, and, though a bill to facilitate these, and supported by part of the Government, was afterwards thrown out by other members of the Government upon a groundless alarm that it tended to encourage gambling, because the books were to be raffled for, there is reason to hope that it may be more successful another year; and its promoters are, in the meantime, actively engaged in the support of these unions, of which there are many in the manufacturing towns. They are enabled to carry on their business by receiving a pound in weekly sums or weekly payments, giving at once a book of about half the price, and allowing contributors to have the chance of five pounds' worth of books at the end of the year in a raffle.

The subjects already broached in the summary now given are of a general description, embracing the interests of the whole community—jurisprudence, education, health, reformation of criminals, temperance, female employment. A head hardly less general occupied our attention at the Bradford Congress, and it is of great importance, because it refers to a benefit

* Mr. Blanchard Jerrold first suggested the plan of *Book Unions*, upon the plan of the *Art Unions*, established some years ago, and which have been found greatly to encourage the working classes in acquiring a taste for objects of art, a taste that has always been found to exercise a salutary influence on their habits. The Book Union has a still more important tendency. Its effect is to encourage the acquirement of a little library by a poor man, and the raffle connected with the plan has the least possible tendency to promote gambling, the ground upon which some of Mr. Layard's colleagues threw out the bill in our House, differing from those in the other House who had supported it. He is now Under Secretary of State for Foreign Affairs.

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conferred upon the better portion of the working classes, direct and immediate, while other benefits are obtained indirectly and gradually. I refer to the truly wise and benevolent plan of early closing daily, and allowing a Saturday's half-holiday. In this plan the employers must join with the dealers, and it has happily been greatly extended during the last two years. The addition of lectures to the libraries of some great establishments has been made; and the health of the men and boys has been materially improved by employing part of the time allowed in alternate cricket matches and drills.* Leeds and other provincial towns have joined in the movement; and it is only to be lamented that certain branches of trade everywhere still stand aloof. The happy effects which have attended these measures are so universally allowed, that we may indulge the hope of the exceptions gradually disappearing.

At our last Congress the important step was taken of adding a sixth department, mainly for international subjects. This was the suggestion of the distinguished foreigners who attended at Glasgow, the chief of whom were M. Garnier Pages, of the Provisional Government, 1848; and M. Desmarest, of the French Bar. The same suggestion was likewise pressed upon us by Professor Katchenowsky, of Kharcov, in Russia, who had intended to be present, but was prevented by his professional duties. He, however, sent a most instructive letter. But we had been anticipated by the happy plan of the Prince Consort, of an International Statistical Congress, which had held its meeting in London a few weeks before ours, and had been attended with complete success. His Royal Highness's able, learned, and comprehensive address in opening it deserves to be read with great attention, and is deserving of all praise. At Glasgow the subject of an international general average and other kindred matters were discussed in a meeting attended by delegates from many parts of the Continent; and we have the confident expectation of others being present here. The new Department is under the presidency of no less eminent a political economist than M. Michel Chevalier, who also attended our Bradford Congress two years ago. This Depart-

* Many establishments have libraries, and some upon a large scale. That of Messrs. Marshal and Snelgrove, Oxford Street, may be mentioned as one of the greatest; but still more that of Messrs. Shoolbred and Co., Tottenham Court Road, where the young men have a library of 3,500 volumes, with a reading-room and newspapers, and other periodical works, and occasionally courses of lectures are delivered in the evenings. There are 700 connected with the establishment, and they have furnished 80 to a rifle corps. The hours of closing are seven and eight o'clock, according to the season, and four and five on Saturday.

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ment derives a peculiar interest at the present time from the negotiations of Mr. Cobden and the measures of Mr. Gladstone; but it commands at all times our great respect from its direct tendency to maintain good relations between different countries, and to promote the sacred cause of blessed peace.

At the two last Congresses we had the satisfaction of observing that Social Science was making considerable progress in other countries. This, indeed, was testified by the attendance of important persons from thence at our meetings; but it was peculiarly gratifying to see the adoption of enlightened and liberal views by governments which we should little have expected to find pursuing this course. The last year affords further evidence of these happy improvements, and in quarters we should least of all look for traces of it. The decease of the Sultan has brought upon the Ottoman throne a Prince who begins his reign as a reformer both in his own practice and in the scheme of his administration, nay, even in the system which he is resolved to introduce. The dismissal of his predecessor's harem of scores of wives and hundreds of mistresses,—the proclaiming his intention of being the husband of a single wife, and the avowed adoption of European principles to govern his policy and even to amend his laws, show plainly the progress which the manners and the usages of civilized nations and of modern times have made in the realms of a barbaric power. Let it be further noted that a Social Science committee has been established at Constantinople, and many lectures have been delivered, among others, very interesting discourses by Mr. A. Fry.

In Russia, the fixed determination of the Emperor to complete the great measure of serf emancipation met with powerful opposition, and even disturbed partially the peace of the country; but the chief mischief has arisen less from the obstinacy of the landowners than from the ignorance of the serfs, to inform whom upon the exact amount of the change in their condition sufficient pains had not been taken; and there is every reason to hope that the vast measure of bestowing independence upon the bulk of the community, the labouring classes, will be effected with little further obstruction. It must be confessed that, even if we lament some error in the mode of proceeding, the Emperor is entitled to the warmest sympathy in his great work, and to the highest admiration for the wisdom and the virtue of his conduct. If to such a sovereign his own people may well be grateful, let us hope that his Polish dominions are destined to owe him equal thanks. It would be an act of magnanimity "beyond all Greek, all

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Roman fame," were he to re-establish a kingdom of Poland with its admirable constitution of 1793, of which Burke pronounced the panegyric, under a Prince of his own house. Even should he deem such constitutional principles dangerous, because so much at variance with those of his own empire, and should give the kingdom a more absolute Government than that of 1793, it may safely be predicted that he would find in the grateful Poles the most trustworthy and devoted of all the nations under his widely extended rule.

The interest which, in common with all the friends of national independence, I take in the fortunes of the Poles is not of yesterday. Eight and forty years ago, in common with my esteemed and now lamented friend the chief of the Polish patriots and counsellors, Prince Czartoriski, the man who made far greater sacrifices to his principles than any who ever lived,—in common with him, and urged by him, I addressed, through the press, (being then out of Parliament,) to my fellow-countrymen, and to the allied Sovereigns, "*The Appeal for Poland*," which cannot be said to have had no effect, though far less than was desired, for it brought the subject of her wrongs so much in discussion, especially in England, that it occupied in no small degree the attention of the Powers at the Congress of Vienna.

If from contemplating the very probable, though not immediate, prospect of Russian freedom, we turn to the Austrian empire, we have less reason to be surprised at the constitutional course taken, because the elements of a constitutional government have existed there at all times. They possess that especially which elsewhere is wanting, even in France since 1790, and which is absolutely necessary to the permanent existence of a free government,—an aristocratic body independent of the sovereign and of the multitude,—a class of wealthy land-owners, not like the Prussian proprietors, looking to place and patronage. The agricultural class is also respectable and deserving. With such elements of a really good Government, progress was making towards it, until the Emperor Francis, twenty years ago, checked it, perverting the traditions of the monarchy, centralising all authority, and taking everything into his own hands. At present the plan is pursued of leaving their internal concerns to the provincial Diets, but ruling the monarchy from the capital, through the representatives of the Diets in the Reichsrath. In Hungary the ancient Constitution as it existed before 1848 is proposed to be restored, though the establishment of that which was formed in a season of civil war is refused. It is most earnestly to be desired for the sake of the general peace, so intimately

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connected with the integrity of the Austrian empire, that the discontent of Hungary may not be fermented by foreign intrigue and foreign agitators; for as yet the power of Austria has really not been materially impaired by her losses in Italy. But the Sovereign, when he shall yield all that he safely can, must continue to be, as he always was, entitled, when opening the Diet as King of Hungary, "His Sacred Majesty the Hereditary Emperor of Austria."

The condition of Italy has in one practical respect been greatly improved by the general acknowledgment of the new kingdom; but the internal state of the southern portion is still most unsatisfactory, affording daily proofs of what all experience has proved in other countries, that there is no possibility, unless by main force, of establishing a government for which the people are not prepared. The execrable tyranny of the Bourbon princes had reduced their subjects to a condition that rendered them incapable of being governed except by constant recourse to violent measures; and these princes have, even in their exile, done all in their power to keep the people in a state of lawless anarchy, which may almost make them regret the loss of the worst of tyrants. In all other parts of the Italian kingdom great and solid progress has been made in popular improvement, and the blessings of a free constitution are already felt in its influence upon the institutions, and generally in the circumstances, of the community. That kingdom is now left free from all foreign interference to manage its own affairs. The original action of Piedmont and her ally to obtain her extension can never be too severely reprobated, although we are entitled to rejoice in the result. The maxim, "*fieri non debuit, factum valet,*" may here be applied; and assuredly, if the French and Sardinian arms only interposed in helping the Italians, both in the north and elsewhere, to strike off a foreign yoke, and unite themselves with Piedmont, the interference is of a far less objectionable kind than a mere ordinary aggression and conquest. But, certainly, the Government of a country, however bad, gives its neighbours not the very least right of interference; and to attack and seize the territory, under the pretext that it is ill governed, is to repeat the most atrocious crime ever committed in modern times, and by civilized states—the partition of Poland. Take even the condition of Rome, under an ecclesiastic, chosen by other ecclesiastics, and claiming the sympathy of all nations: this affords not the shadow of an excuse for any foreign state to seize upon the Roman territory, any more than the Polish Government, the very worst in Europe, an elective monarchy, the choice in the hands of a mob, afforded

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for its partition. If, however, the Poles had risen against their rulers, and called in the neighbouring Powers to assist them, the case would have been very different as regards Poland, and even if after the partition these Powers had given it a good Government of its own, their conduct would have escaped the universal reprobation which has attended it. And so, if the Romans themselves choose a good Government, even with the help of foreign Powers, and give their territory up to these Powers, they will themselves be great gainers, and their foreign allies be blameless. In no other event can we expect social improvement to make any progress in Rome, as it is steadily doing in the Northern and Central parts of the Italian Kingdom.

France has not only persevered in the same course upon which she had entered before our last Congress, with regard to commercial policy, but has carried the principles then adopted further, in treaties with Belgium, Holland, and Turkey. In Belgium the most entire support is always given to sound views of agriculture and trade. There is still a further step made in France by the Imperial policy, and in a direction little expected when we last met. An important relaxation has been given to the restraints imposed upon political discussion. An absolute freedom in this respect is allowed to both Chambers of the Legislature, and to publishing the reports of their debates through the press. There really is no difference whatever in this particular between the French Parliament and our own. All political topics are fully and they are freely discussed; so that the country receives, and receives immediately, whatsoever impression the Ministers, or the Opposition, or men belonging to no regular party, wish to make upon the public opinions or feelings on any subject whatever. The press, however, is still under the most absolute control of the Government, and, except to report the debates, it has no kind of liberty, not even to make a remark upon any proceeding of the Government, or indeed upon any subject whatever. The administration of justice, too, is still in a most unhappy state as regards political offences. The judges are no doubt, irremovable, but they are not *unpromovable;* and any one may receive the reward of his subserviency to the Government by advancement to a higher place. In England there is no law against such promotions, but they are universally discountenanced, and very rarely take place. In seventy years that I have known our courts I only remember two instances of a puisne made a chief; for the case of Sir Vicary Gibbs was that of an Attorney-General promoted after being a little while, from accidental cir-

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cumstances, a puisne judge.* Parliament would at once interpose were such advancements ever made except in very peculiar circumstances. The interference of the Government with elections is another great evil in the system of our neighbours, and impairs incalculably the salutary tendency of discussion in the Chambers to check the action of the executive power, or to correct its errors. The deputies who at all oppose the Government are reduced to a very inconsiderable number; and the great majorities which support it in all contentions give such countenance to all its acts that the influence of public opinion, so far as testified by the representatives of the people, is extremely small. The state of the judicature, the control over the press, and the interference of the prefects with elections, render the Government nearly absolute in fact as well as in the theory of the Constitution. But after the important concessions to freedom of discussion which have so recently been made, we have reason to hope that further relaxation will follow. It is the unquestionable tendency of that portion of liberty which has been granted both to stimulate the desire for a grant of more, and to increase the difficulty of refusing it.

Such must be the earnest wish of all friends of the great cause to which we are devoted, both out of the good-will that we heartily bear to our justly celebrated neighbours, and from the intimate conviction we must all have, that the great interests of peace cannot be more effectually served than by the people of France as well as of England possessing a real voice in the administration of their affairs. That a senseless desire of national glory, to be sought in the dreadful crime and glaring folly of war, may at times partially prevail,—nay, even that the Government, pressed by hostile combinations, may resort to the wickedness of an appeal to such feelings,—is, no doubt, barely possible. But the rational members of the community are certain to take the side of peace; their influence is sure to prevail, and to sway a Parliament freely chosen. Before such a body no minister could stand by the force of intrigue; no court favour could support an incompetent or dishonest servant; and the highest person in the State would perceive that in his case also there is but one safety, the honest discharge of duty, and consulting the real interest of the country. But, unfortunately, this is not

* Sir V. Gibbs was Attorney-General, and would have succeeded to the first chiefship that fell vacant, when Mr. Percival's assassination had such an effect upon his spirits, that he accepted a puisne judge's place, in order to quit his office and the bar.

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the present condition of our neighbours; and, beside heartily desiring their relief from what they, doubtless, bitterly feel as the disgrace of being reduced to political bondage after all their sacrifices for liberty, and after the temporary enjoyment of it even in excess, we, with all Europe, have a real interest in their acquiring a direct influence over the conduct of their Government, because that would be the pledge of continued peace,* and until that is obtained the world is under the dreadful necessity of a general arming. We, in this country, have to bear our full share of the calamity. Whatever may be our trust on others, we must on the first instance, and in the view of all contingencies, rely on ourselves; and it is both most remarkable and most gratifying to find that on this great subject all parties of every kind are agreed.

Nothing can be more grievous than the action of party on ordinary occasions. It tends to bring all principles into discredit and even contempt. Opinions are taken up, or rather professed, to suit a purpose. The principles which men avow do not guide their conduct, but rather serve for counters with which they play the game of faction. Individuals are defended by their partisans for the grossest misconduct, and gain no credit with their adversaries for the most virtuous deeds. For party men slander without any real malice, and for party interests commit frauds they would scorn for any interests of their own. Measures are judged not on their own merits, but by the quarter from which they proceed; assailed, how beneficial soever, if propounded by an antagonist; supported, be they ever so bad, if the proposal of a friend; and the very same policy which a party man urges to-day, to-morrow he denounces, if removed from place to Opposition :—

> "When factions rage, not truth itself is strong;
> But right with *this*, with *that* is therefore wrong."

Now, on all other subjects, such is the course of party, often not only hurtful to the best interests of the country, but seriously injurious to public morals, to the cause of virtue itself, whose foundations are laid in charity and in truth. But one

* The present utterly senseless and most lamentable contest in America may seem to throw doubt upon the opinions of all rational and reflecting men, that the nearest neighbours, being the most capable of injuring each other in war, and of serving each other in peace, have a more powerful motive than any others to avoid a quarrel. And, indeed, Voltaire went further, and justly declared that all war in Europe must be regarded as a civil war. It may be hoped that the exception furnished in America to all the rules of policy, indeed of common sense, only to be accounted for by supposing a delusion to have prevailed, cannot have a long duration.

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question is an exception, and to that party does not extend, nor are the evils, the inconsistencies, the contradictions of faction to be seen: on the great question of the national defences all men, all parties are entirely agreed. Let the word be uttered, and every whisper of faction is hushed. Differing on every other subject, on this all are as one body, anxious to provide the means of security, at whatever cost, as if every man of every party were in the service of the State,—nay, more anxious, because his zeal is individual and voluntary, not chilled by official routine. Assuredly the strength, the vehemence of the sentiments which thus inspire and thus unite us may be judged by the violence of the party habits in which it has made a revulsion, and the strength of the party associations which it has shivered to pieces. The friends of Social Science, indissolubly bound up as it is in peace, must exult in contemplating the position of the country, and reflecting that the security of society cannot be shaken by any politician's scheme, or any general's ambition, or any monarch's caprice,—by the speculations of avarice, whether in traders or in soldiers, the military genius of one man, or the restless intrigue of another. Against all we are, Heaven be thanked, prepared, for the people of our empire have shown that they must be not merely subdued, but extirpated, before an invasion can succeed.

Would that we had a like consolation in casting our eye across the Atlantic, and regarding the conflict which now shakes the great union of our kinsmen! On this most unhappy subject it becomes us to abstain from whatever might be deemed to indicate an opinion upon the merits of the controversy. But we should ill represent the friends of the science we cultivate, if we did not breathe an earnest hope for the termination of a civil war, the real origin of which has been the disappointment of faction in the thirst for places, and which, as if to make it more respectable and more amiable, has assumed as its avowed principle the perpetuation and extension of slavery, now for the first time declared to be a good in itself. Surely, without offence to either party in this lamentable contest, we may breathe a wish that the least of the war's evils, its heavy expense, were bestowed upon the redemption of the coloured race, upon the amicable removal of the greatest obstruction that exists to American prosperity, the greatest blot that rests on the American name. Humbly but deeply may we be thankful for the blessings we enjoy under our free and well-poised Constitution, which leaves us towards other nations without "hatred and all uncharitableness," and certainly without envy; the blessing of being able to continue our labours

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in secure possession of freedom from all tyranny, whether of one or of the multitude, of individual caprice, so galling to our pride, or of the more insupportable domination of the mob, so omnipresent that nothing is too high for it to reach, nothing so humble and obscure as to escape.

We have been surveying the progress of the past year, and have only had time to touch the higher points in the outline, leaving of necessity much that is of importance untouched. The past lends encouragement to the future. Let us, then, persevere to the end. But let us not forget that all our efforts to improve the condition of our fellow-creatures, and make them worthy of their destiny, are as nothing compared with the progress in higher things. These are the great aim and end of our being. In all our pursuits, in our whole existence, an instinctive sense attends us that we are unsatisfied. The want of somewhat permanent ever haunts us. Whatever exertions we have made, whatever success had, whatever gratification received, only makes us feel how hollow it all is—how much we desire that which endures. The scenes of early days, which we revisit, now become dim from time, peopled with the forms of those whose memory they sadly recall, make us long for the bright scenes that can never fade, and for rejoining friends to part no more. The present doubt, and the struggle, and the darkness, is for the hour; the prospect is cheering, and it is for ever; and so it is with the National Association, which commands our allegiance, and justifies the hopes it inspires. Undaunted by resistance—undisturbed by faction—undismayed by real coldness or affected contempt, we persevere in our course of social labour; but we lift our views higher, to scenes far above the darkness of ignorance that shrouds one region, the mists of doubt that obscure, the storms of passion that vex another, and behold the lofty summit shining in the faith and adoration of God, glowing with universal benevolence to man. "As some tall cliff," (I gladly pronounce these noble lines in the land which gave them birth,)—

> "As some tall cliff, that lifts its awful form,
> Swells from the vale, and midway leaves the storm;
> Though round its breast the rolling clouds are spread,
> Eternal sunshine settles on its head."

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ADDRESS

BY

THE RIGHT HON. JOSEPH NAPIER,

ON JURISPRUDENCE AND THE AMENDMENT OF THE LAW.

THE limits of an opening address would not permit me to enlarge on the great theme of Jurisprudence; my present duty is to clear the ground for the discussions which are expected to take place in this Department, and also to prepare the way for giving to the results at which we may arrive, their proper effect in the systematic amendment of the law. "In reality," * (says our great countryman, Edmund Burke,) "there are two, and only two, foundations of law, and they are both of them conditions without which nothing can give it any force—I mean Equity and Utility. With respect to the former, it grows out of the great rule of equality, which is grounded on our common nature, and which Philo with propriety and beauty calls the mother of justice. All human laws are, properly speaking, only declaratory; they may alter the mode of application, but they have no power over the substance of original justice. The other foundation of law, which is utility, must be understood not of partial or limited, but of general and public utility, connected in the same manner with and derived directly from our rational nature." This is not merely speculative; it is the wise exposition of one who has taught us that "nothing is desirable that is not practicable;" it is a general sketch of the law as it ought to be.

Let us glance at our law as it actually exists—the incongruous heap of enactments which have been huddled together, during centuries—some obsolete, some effete, some which never have effected their professed purpose; new laws thrust in to meet some special emergency, without regard to those already in force, still less to general or remote consequences: impolitic in their conception, defective in their structure and expression; text law diffused and uncertain, and too often of mere private

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* Vol. vi. p. 17, Ed. 1852.

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interpretation; adjudged cases, accumulated in a confused heap; authority impaired by conflicting and discredited decisions, which help to perpetuate the evils that have been brought into the very bowels of our jurisprudence. Two centuries and a half have elapsed since the amendment of the law engaged the attention of Lord Bacon; and in succeeding times Hale and Prynne, Bentham and Mackintosh, Romilly and Brougham, have kept on foot a standing protest against the complexity, the incoherence, the still graver defects of a system of laws which ought to be a model of jurisprudence for the civilized world.

Lord Bacon's elevated and comprehensive mind sketched the outline of a great reform; the statute law to be expurgated, classified, and consolidated; the common law to be digested and methodized; a standing commission to be set up in aid of current legislation. In later times commissions for the occasion have been impulsively appointed, and have been used rather (as I may say) to stop some troublesome leak than for sufficient repair. This palliative policy has but postponed the demand for an adequate remedy. Notwithstanding all that has been done since our noble President entered upon the warfare of law amendment, there remains a wide waste to be reclaimed. The weeds increase and multiply; dust and defilement accumulate; when will the good work of clearance and cultivation be taken up with the spirit and in the way which can insure success? The appeal of Demosthenes, in the third Philippic, intended to rouse his countrymen to an effort worthy of the occasion, is here peculiarly appropriate—"If you had done all that your duty commanded, and your affairs proceeded no better, you could not even hope for their improvement; but since their present unhappy situation is not owing to the force of circumstances, but to your own errors, you have reason to hope that by banishing or correcting the latter you can produce a great change for the better in the former":—

> Τὸ χείριστον ἐν τοῖς
> Παρεληλυθόσι, τοῦτο πρὸς
> Τὰ μέλλοντα βέλτιστον
> Ὑπάρχει. . . .

The remedy which has been approved by our President, and which he has so often and so ably advocated,—which the late Lord Langdale pressed upon the attention of Parliament,—which in 1846 was brought under the notice of the late Sir Robert Peel, and was afterwards adopted by that able and provident statesman as a part of the comprehensive plan which he suggested for reconstructing the executive Government of Ireland, — this remedy was ultimately approved by the House of Commons. In the Session of 1857 an address to the

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Queen was presented by the House, to which a gracious answer was promptly sent by Her Majesty, which led us to expect that a department of administration for the affairs of public justice would soon be constituted. The importance of such a department has grown into a necessity; and after the repeated conferences which I have had with statesmen and jurists, and the suggestions which I have received from those who have given to the subject the thought which it deserves, I feel myself warranted in saying that such a department might be constructed at any time, in complete consistency with the prerogative of the Crown, the precedence of the Lord Chancellor, the independence of the Judges, and the privileges of Parliament.

It is competent to the Crown to appoint a Committee of Council for the affairs of public justice. There is a committee for trade, another for education, and a judicial committee. Over the new committee, the Lord Chancellor, as the great minister of justice, would properly preside, in the absence of the President of the Council. The Chancellorship of the Duchy of Lancaster might remunerate a Vice-President of the Committee, whose undivided attention should be given to jurisprudence and the amendment of the law. By an order in Council, business relating to the affairs of public justice might be referred to this committee. It is now generally allowed that it is needful to collect, register, and digest the results of experience as to the working of the law, and, therefore, judicial statistics should be periodically collected by and recorded in this department. These would be obtained from the several courts of justice, and might be accompanied by such remedial or other suggestions as the judges or officers of these courts might think fit to add. Defects in the law would thus be disclosed, remedies would be discovered, obscurities arising from imperfect legislation (which, under the present system, rather provoke satirical exposure than induce remedial comment) might hereafter be noticed for the plain purpose of prompt amendment. The course of judicial decision might be followed, and when its authority might seem questionable, either from a conflict of judicial opinion, or the disapproval of the profession, or when it would be found at variance with the known intention of the Legislature, or the current opinions of some class whose interests were specially involved,—in these and like cases the attention of the committee would be directed to the subject.

It would also, from time to time, be directed to the digested results of the statistics obtained from the courts, and would be enabled at stated intervals to make a report to the Crown on

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the state of the law, as administered by the courts, and lay the foundation for such remedial measures as the Government would then feel it their duty to submit to Parliament. Remedies would thus be the more likely to be appropriate, to be prompt, and would be proposed with authority which might commend them to notice and acceptance. Great injustice is often caused by the delay in amending defective legislation; and not less, perhaps, by leaving doubtful decisions of the courts, with just enough of authority to enable them to perplex or to mislead, but without enough to save them from ultimate reversal.

The changes which take place in modern society, by reason of its increased activity—the employment of capital, and the energy of commerce—the innovations in our system of law occasionally made by novel legislation, present to our courts questions to be solved which are in a great degree of first impression. This brings forth conflicting decisions; private litigants may not be disposed to incur the risk of having the law settled in the House of Lords; until it is so settled the law on the subject is in abeyance, and when it is settled what the law is, the secret may then be found out that it is not what it ought to be. The public may thus be long embarrassed by imperfect legislation or apocryphal decisions, which usurp the authority of plain positive law. Indeed, this opens a large question as to the reporting and revision of judicial decisions, when regarded not simply as the adjustment of private controversy, but as they affect the general law and the interests of the community. It is a public necessity, I think, that the present system of irresponsible reporting, and the reviewing of decisions which from the time when they are published have the sanction and force of positive law, should undergo a searching scrutiny. Definitions, principles, and rulings should not be added to the stock of our jurisprudence unless they be supplied by accredited authority. I speak as to the future, but cannot overlook the past. A book has been published in New York by Professor Greenleaf; the fourth edition appeared in 1856, and it contains 548 octavo pages, being, as it is entitled, "A Collection of Overruled, Denied, and Doubted Decisions, both American and English."

"'Tis an unweeded garden."

The department of justice would have to exercise a vigilant supervision over, and perhaps to report frequently on, the administration of the Criminal Law. With reference to the exercise of the prerogative of mercy, advice which would be the result of responsible inquiry might be suitably tendered to the

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Sovereign. Indeed, it is difficult to reconcile with sound principle that the verdict of a jury, founded on evidence given on oath in open court, should be superseded by secret inquiry or by any private influence. If in any case it is alleged or suggested that there are reasons which ought to satisfy the public conscience that the sentence of the law should either be remitted or reduced, is it not desirable that these should be put forward openly, and considered in a judicial proceeding? This would, in general, have a good effect on the public mind, and would give to punishment a greater certainty and a higher sanction. "Mercy,"* says the wisdom of Burke, "is not a thing opposed to justice. It is an essential part of it, as necessary in criminal cases as in civil affairs equity is to law." Though civil government takes cognizance of actions as prejudicial to society rather than as they are immoral, yet the moral element may become of great importance in the equitable adjustment of the punishment. Explanatory and mitigatory circumstances have to be investigated and considered, and this should be so conducted by such exact inquiry, and with such tender care, as might add the dignity of justice to the grace of mercy. "To Thee, O Lord," says the royal Psalmist, "belongeth mercy, for Thou rewardest every man according to his work."

The help to be given to current legislation would probably be one of the most delicate of the duties of this department of justice. The clearance and consolidation of the statute law, the digesting and arranging of the dogmatic and judicial law, would naturally fall within the province, and come under the supervision of this department; but it may be considered, perhaps, as of more pressing importance to get the current legislation into approved working order. It was observed by a great jurist, Lord Chancellor Hardwicke, when speaking on the subject in the House of Lords, more than a century ago, that the introduction of a new law should be the result of reason and deliberation. "In every such case," he says, "we ought to consider whether a new law be necessary for the purpose intended; for no new law ought ever to be made unless it appears to be absolutely necessary, as a multitude of useless laws is one of the greatest plagues a people can be exposed to. In the next place, we ought to consider whether the inconvenience or grievance intended to be removed be of such a nature as to admit of being cured by any human law, for if it be not, we render ourselves ridiculous by the attempt. In the third place, we ought to consider whether, by endeavouring to remove the grievance complained of, we may not probably

* Vol. v. p. 56.

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introduce a much greater; and in the fourth place, we ought to examine very strictly whether the law be conceived in such terms as may be effectual for the end intended, and the several clauses so clearly expressed as can admit of no doubt." *Pace tanti viri,* I would so far alter his wise and comprehensive speech as to conclude it thus:—"So carefully framed as not to admit of any reasonable doubt of what was intended."

The House of Lords and Commons have provided by their standing orders that, in certain cases, bills intended to be preferred to Parliament should, before they are introduced, be submitted to certain public departments. These departments may therefore report their views and make their suggestions, which may assist though not control the Legislature. It seems, indeed, so obviously reasonable to ask and to accept advice from those who are peculiarly competent to give it, that the plan adopted in these cases might be extended by making the department of justice a consultative body, to which a bill might at any time or any stage be referred, with a view to obtain the best advice. The Lord Chancellor in the House of Lords, the Vice-President of the Committee in the House of Commons, would make such reference the more easy and effective; and the department, in communication with those who daily administer the law, and accessible to the public, might give assistance which could be accepted without prejudice to the privileges of Parliament. The general value, the special structure of any measure, its consistency with the existing law, and the effect of any alteration, either upon the measure in its integrity or upon the law generally,—all might be certified to the proper quarter before the royal assent would be finally given. A settled use of language, and a system in the structure of enactments, would naturally result when the work of the draughtsmen selected would be submitted to a standing supervision. This would facilitate construction, and would prepare for having the whole body of the law cleared at last of absurdity and confusion, and our jurisprudence might attain the consistency and acquire the sanctions which, in this our day of peace and privilege, ought to characterize the laws of a wise and understanding people. I feel myself justified, on the present occasion, in pressing on your attention the importance of having such a department as I have suggested. I have had the cordial and consistent support of Earl Russell, both in the House of Commons and in this Association; and the very eminent jurist, the present Lord Chancellor of England, in the address which he delivered on vacating the office of President of the Juridical Society, on the 21st February, 1859, has pronounced the establishment of

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a department of justice to be the very foundation of an improved system of jurisprudence. If, indeed, jurisprudence have a moral aspect, if it be an inductive science, we must have recourse to the method by which other branches of inductive science have been advanced since the time of Lord Bacon. We must, by reason and reflection, derive general results from particulars collected diligently by observation and experience, and, by a graduated work of induction, make safe and steady progress.

In the celebrated report of the select committee of the House of Commons, with reference to the proceedings in the case of Warren Hastings, (a report which was drawn up by Edmund Burke,) it is said of the House of Commons that "one of its principal functions and duties is to be observant of the courts of justice, and to take due care that none of them shall pursue new courses unknown to the law and constitution of this kingdom, or to equity, sound legal policy, or substantial justice." This is the constitutional duty of the representatives of the people. In discharging it, or rather in the honest endeavour to discharge it, how desirable it must be to have the aid of a department such as I have suggested, I confidently submit to the plain good sense of the public. The agency of commissions might be thus profitably superseded, and even select committees might find their labours usefully abridged. On the score of economy I would add that, if we calculate the expense of commissions for the last thirty years, and contrast this with what a department would have cost the country, and then consider what would have been the probable balance on the side of law amendment, under a department instead of these commissions, we might find another illustration of the wise maxim, that the best security for a wise economy is efficiency.

It was with reference to Ireland that the late Sir Robert Peel advised that the affairs of public justice should be placed under an Imperial department. His policy was sound. For this I maintain, that until there be obtained for both countries the most complete community of rights and laws that is compatible with whatever is indelibly peculiar to each, the Union cannot be said to have realized its proper purpose. Seven centuries have elapsed since England assumed the office of giving laws to Ireland; sixty years have elapsed since the legislative union was formally concluded. Sensitive to insult in whatever form, the Irish people are proverbially accessible to justice. Sir John Davis has reported, and Sir Edward Coke has recorded, that no nation under the sun has a greater love of justice. What a basis was this for legislative union!

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Have, then, the interests of all been united, or has it been the policy to unite them, in the attainment of a common and improved system of just laws? Far from it. We persevere unto this day—doggedly persevere—in a vicious separate system of legislation, which encumbers the statute book and weakens the Union. There are lucid intervals when we seem to understand our position, but even then we resort to some impulsive and unwise remedy. A commission is now in course of gestation for inquiring into the procedure of the courts here, with a view to assimilation with that of the courts in England. Why should there have been any difference? Moreover, it would seem to have been supposed or assumed in England that our existing procedure had been, and was, if not as primitive as the Brehon law, at least as unreformed. It was forgotten that our Chancery reform preceded that of England (*experimentum in corpore vili.*) In some respects it is more sweeping—in others less satisfactory.

In the Common Law courts the reform which was completed by my right honourable friend Mr. Whiteside is much more liberal than that in England. It is to be regretted that there should be any difference; the two systems should be compared with a view to substitute for both what might be better than either. I have always advocated such assimilation. When a commission was issued in 1859, with a view to improve procedure in equity, under the sanction of the late Lord Chancellor Campbell, I urged (but without success) that Ireland should share in the benefit. Indeed, it was the deliberate opinion of influential members of the late Statute Law Commission, that it was not practicable to have even the same criminal law for Ireland as for England. Mr. Whiteside, Mr. Justice Hayes, and myself thought otherwise. We had bills prepared in conformity with our view, and these were approved by the Cabinet in 1858; they were taken up by the succeeding Cabinet, and to a great extent, though not altogether in the form which was chosen by us, they have now become Imperial law, and so far solved the problem of an assimilation which was supposed to be impracticable. The question of procedure, however, is, I regret to say, still left open, even in the criminal law, and yet it is the question the most urgent to be settled. Imperfect procedure works injustice daily, and amendment would come at once into operation. To delay remedial amendment is, in fact, a denial of justice.

With reference to professional promotion, I am heartily desirous to see it placed on a common basis for both countries, and I think that this would be more likely to be accomplished and promotion made, as it ought to be, the reward of merit,

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if subject to the recommendation of an Imperial department, withdrawn from the pressure of party, though responsible to parliamentary, professional, and public opinion. This would work a beneficial change in the affairs of justice for Ireland. The early policy of England was to divide Ireland against itself; it is now the interest of both to cement their union as firmly as can be effected by assimilating the laws, the equal administration of justice, and full participation of every right and privilege. In the reconstruction of the existing law all the Irish statutes, from first to last, should be subjected to the same process as the English, and a selection from both embodied in an Imperial Edition of Imperial Statutes for England and Ireland united. But it may be asked, Can our future legislation be fashioned on an Imperial model? We have assimilated our criminal law; we hope to assimilate our procedure; why should there be a difference in our laws of property? Why should there be any conflict of commercial law? And, above all, why should the marriage law be not only separate, but sectarian? Look, moreover, at our scattered Ecclesiastical Courts, with three or four Courts of Appeal for the United Church. I might lay bare many more of the evils to be remedied, that not only are against policy, but work injustice which they who suffer are left to deplore but cannot hope to redress. A private member of Parliament may be instructed, a law officer of the Crown may be spoken to; the matter ends in some official platitude from a Home Secretary, or a pie-crust promise to a deputation. Patching or cobbling may in an extreme case be attempted, and the rent is made worse. Look at what we call our marriage-law. You may search for it in the lumber-room among the rubbish of Acts of Parliament —Irish, English, and Imperial. Thoughtful men ask themselves at last—Is marriage, indeed, to remain an institution of God, or has it become the creature and convention of human law? It is, doubtless, of Divine appointment; as Lord Stowell has said, in language eloquent as it is exact,—"It is the parent, not the child of civil society."

The relation of husband and wife is constituted—completely and irrevocably constituted—by the free consent of parties competent to contract, and intending by such consent to constitute the relation. The positive law of man cannot make more or less perfect the appointment and institution of God. It has been said, but loosely said, by great authority, that society is a party to the contract; it would be more accurate to say, that society may have an interest in its completion. In this day of religious liberty, parties competent to contract and constitute a marriage ought to have the free choice of having

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that marriage solemnized by such religious sanction as they may think fit to select and superadd. Marriage is *publici quia Divini juris*—it is valid everywhere, if valid anywhere. Why is this? Because it depends not on the positive or local law of man, but on the appointment of God for the whole human family. In a Christian State it is acknowledged to be the symbol of a great mystery—the union that is at once indissoluble and Divine. It was reasonable to require publicity in the title to dower or to the inheritance of landed property, and in other like cases the interference of positive law is at least intelligible, and, when rightly understood, is found to belong to the law of property—not to the law of marriage. If, indeed, our laws of property were cleared of all obsolete feudalism, simplified and consolidated, then what is called the marriage question would solve itself. The State may regulate the enjoyment of property in whatever way and upon whatever condition the general interests of the community may reasonably require; but when it proceeds to annul a marriage, because some conventional rule has not been observed, I am bound to declare that it exceeds its jurisdiction. Irregular and clandestine marriages, as they are called, deserve to be denounced, and ought to be discouraged by every branch of the Christian Church, and the more so as human law cannot directly deal with them. We must look to a moral remedy for moral evils, to the preventive influence of parental and pastoral care, religious training, and the restraint of improved public opinion. Where the State moulds the laws of property for the convenience of the community, it may justly require—as a matter of sound policy—that every marriage which can claim to be recognised for proprietary or other civil privileges, shall have had such sanctions superadded, and been publicly recorded in such form as the interest of society may demand for its common convenience. Nothing more than this should be required. But this, be it observed, would be a part of the law of property; it leaves the law of marriage as God has left it—sacred and universal. This view, I think, is in harmony with the spirit of our ancient law. The Saxon laws of England, which have been exhumed by antiquarian research, and from which has been extracted the law which is said to require the intervention of a minister in holy orders, episcopally ordained, as necessary to the validity of marriage,—this has been extended to Ireland as a part of our ancient Common Law, not in a question of property, but in a case of bigamy. It has given a shock to our social system which has not yet been quieted by any rational legislation. It is the opinion of the younger generation of the judges, and of all the civilians and jurists with whom I have

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spoken on the subject, that this decision can only be supported by its own authority as a decision of the House of Lords. The direction of the Saxon law that a Mass priest should be present at the nuptials to pronounce the benediction, may have been very proper at that time; but how can this necessarily imply that the marriage then a sacrament which the parties could minister to each other, would be null and void without such benediction? Indeed, in the same volume of the Saxon laws will be found a canon, (p. 443,) to which my attention has been referred by Dr. Anster, which directs that a priest should not be present at a marriage where a man marries a second wife or a woman a second husband. He is forbidden in such a case to give the benediction. There is a penance prescribed for the party who so marries; the intervention of the priest is prohibited, but the marriage is left with the inherent validity which is irrevocably conferred by the sacramental completion. If it can be inferred from the one Saxon law which enjoins the intervention of "the Mass priest," that a deacon who has not received priest's orders may celebrate a valid marriage, the inference from the other laws is at least not less obvious, that their injunction was but directory, and the intervention enjoined was not essential to the validity of the marriage. The great and general interest of the question has induced me to dwell upon it, and to suggest the principles on which, as I conceive, the law should be now settled. It is a law which touches the most important relation of life; it affects religious liberty, and it is connected with the disposition and enjoyment of property. It deserves to be settled on a sound basis.

In bringing reason and experience to bear upon the amendment of the law, the work of expurgation must be considerable. We have to get rid of restrictions which ought never to have been imposed, and which have aggravated the evils that they were intended to have removed. Of this class are those which have professed to secure trustworthy evidence, and to prevent frauds and perjuries, by excluding interested witnesses, and requiring in certain cases, documentary evidence executed with a prescribed formality. In the report of the select committee to which I have already alluded, it has been well observed that "the trial of a cause is not in the arguments or disputations of the prosecutors and the counsel, but in the evidence, and that to refuse evidence is to refuse to hear the cause." "Nothing, therefore," it is added, "but the most clear and weighty reasons ought to preclude its production." Ought oral testimony to be excluded in any case, where it is the best that at the time of the inquiry can be produced? Can this prevent fraud or perjury? Man, indeed, is both frail and fallible; he may deceive and be

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deceived; but still it is the law of our nature to act on testimony, which may be depreciated but not destroyed by our liability to deception. This consideration has led to the removal of some arbitrary restrictions, which have been taken away by the statutes which were passed at the instance and with the aid of our noble President.

Although in both countries the parties in a civil suit are now competent and compellable to give evidence in that suit, in neither country can an accused man be examined as a witness on his own behalf in a criminal proceeding. An accomplice in a murder who becomes an approver, interested in earning a free pardon, is admitted as a competent witness. The party accused is, indeed, permitted to make a statement, but he cannot sustain it by his oath, nor submit it to the test of a cross-examination; so that, if it be true, its value is unjustly depreciated. There is no case, I am confident, in which an innocent man who is put upon his trial does not feel the injustice of the existing law. There are cases in which no one but the accused could expose the falsity of the accusation, and there are cases also, in which the accusation would not have been made, perhaps not even contemplated, but for the very rule which may screen it from exposure. The accusation, indeed, should always be sustained by independent evidence, but, for this very reason, it should be open to the accused to meet such evidence by his account of what he alone may be able to testify; and, moreover, as whatever the accused may state would naturally be received with jealous suspicion, he should be allowed to submit his testimony to cross-examination, that its true value may be tested. It is said that where the option would not be exercised, it would generally be presumed that the accused was guilty, and that, where it would be exercised, it would subject the accused to personal interrogation. But what would be the extent of such interrogation? It would be confined within the strict limits of cross-examination, without which any evidence may be imperfect. After all, it is a question as to the probable balance of justice or injustice. An accused man, conscious of his guilt, might hesitate to use the privilege, but no man conscious of his innocence would forbear to claim and use the right. Why should an accused man have the option of making a statement at all? Might it not be said that an unfavourable inference would be drawn from his silence? But if he make a statement which, if believed, would be, and nothing else would be, a complete exculpation, is it just to refuse him the opportunity of giving to this statement its true value as evidence, and to remit him to the imperfect and inconsistent remedy of a counter-prose-

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cution for perjury, after the injury has been already inflicted? The spirit of our constitution strives to protect the innocent rather than to clear the guilty. Such should be the effect of our law.

I have glanced at the Statute of Frauds, under which oral testimony is excluded in cases where its admission as the best evidence at the time available might help the search for truth. But observe how inconsistent, if not impolitic, are the provisions of this statute. Why should oral evidence of all the particulars be sufficient where the subject of the contract is of small value, or even where a sixpence has been paid to bind the bargain, or a fragment of the bulk has been accepted as a part of the whole? Why should an admission of the fact of such part payment, or part acceptance, be proveable by oral testimony? Why should oral evidence be admissible when the written contract has been lost, though this may have occurred by mere negligence? Why should the rescinding of the contract be proveable by oral testimony? Or why should part performance make oral evidence sufficient to establish and enforce the contract in a court of equity? How many honest contracts have been evaded by this arbitrary legislation? It may be proper to protect, in certain cases, the weak against the strong; but when the parties deal on equal terms, why should they not be left free to make their bargains in such form, and with such safeguards as their own interests might require, or their own prudence might suggest? If this simple and sound policy had been consistently adhered to, then the testimony of the parties would have been available according to their own free choice, according to its intrinsic value, and, what is of greater consequence, also according to the general course of commercial law. If our tribunals are equal to the duty of sifting testimony, detecting falsehood, and discovering truth, the sources of evidence should be freely opened. It is the prerogative of our moral nature, which it is no less our duty than our interest to cultivate, to enable us to weigh and to value testimony, subject (as it must ever be) to the manifold influences of interest and corruption. Let us be assured that our success depends not on legislative restrictions, not on limited inquiry, but on our moral culture, our general intelligence, our improved experience, a deeper insight into human nature, a more extended acquaintance with Social Science. These are the working power of free popular institutions, the spirit and life of a judicial system.

There are other subjects of interest on which I do not dwell, for obvious reasons. The bankruptcy law is still on crutches. I cannot be satisfied until I see an Imperial law of bankruptcy

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for the United Kingdom. The elaborate Report which has been prepared by the committee to whom the Patent Law was referred, I will not anticipate; nor shall I further refer to any topics on which I have enlarged in the address of 1858.

There is a subject of grave importance which deserves a special notice,—I allude to the question of legal and equitable jurisdiction. The tendency of recent legislation has been to remove the impediments which had made the courts of law and equity rather antagonistic than ancillary to each other. The early history of our courts of equity shows that the courts of law had limited their proper jurisdiction by a narrow and technical procedure, which was inadequate to afford the judicial remedies that were required by the growing exigencies of society. Why, it may well be asked, should not the resources of either be made available to both? "Civil laws,"* says Burke, "are not all of them merely positive. Those which are rather conclusions of legal reason than matters of statutable provision belong to universal equity, and are universally applicable." An appropriate procedure and a sufficient staff of officers are needed to give effect to equitable remedies, and it is by the amendment of the law of procedure that the courts of law have been in some degree enabled to deal with equitable questions; but this is left in an unfinished state; the difference in the manner of relief has been overlooked by the Legislature. Every court of justice, whether it be a court of law or of equity, should be enabled to do complete justice between the same parties in respect of the same subject matter, either by the convenient interchange of powers and duties each with the other, or by enabling the same court to exercise the entire jurisdiction, so far as is necessary in the pending suit for the administration of complete justice. Our judicial system ought to be harmonious in itself. The suitor should never be subjected to the unjust penalty still imposed on a mere mistake of jurisdiction, nor to the contingency of an inquiry turning out abortive, in consequence of the inability of the court to give remedial effect to its own decision. In one view this may be regarded as a question of procedure and the convenient division of judicial labour; but it involves the higher policy of restoring the unity of justice itself.

The restitution of conjugal rights between law and equity may have a beneficial influence on legal education. This is too often confined to a special training in the mere fragment of a great profession, and the tendency of this profession to narrow the mind is almost proverbial. Limited culture in any

* Vol. iii. p. 307.

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form must tend to narrow the mind. We should not forget "the idols of the den." Clarendon has spoken of this, as exemplified in what he observed of the clerical profession; and Arnold,* with his mild wisdom, has urged on the student of theology the vital importance of liberal and comprehensive study, so as to keep the view of men and things extensive, and save him from the effects of a narrow culture, which may be deep, but will not be enlightened.

The history of the legal profession shows that those who have graduated (as I may say) both in law and equity, have been the greatest and best administrators of justice in either department; they have been taught to regard equity as neither arbitrary nor artificial, but as springing out of the great moral ideas of veracity and justice which stir at the root of our humanity, and have been expanded in our national life,—developed and applied by master spirits with judicial wisdom to the requirements of society,—"the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns." But they have also learned that judicial decision is not less binding at equity than at law, and that the canon of justice has not been closed in either department. If new cases of first impression arise, the appeal has to be made to collective reason and to established analogy. Such is our judicial system, and he who combined the practical sagacity of the statesman with the learning of the jurist and the wisdom of the philosopher, has thus spoken of this system:—"Nothing better could be devised by human wisdom than argued judgments, publicly delivered, for preserving unbroken the great traditionary body of the law, and for making, whilst that body remained unaltered, every variation in the application and construction of particular parts, for pointing out the ground of each variation, and for enabling the learned of the Bar and all intelligent laymen to distinguish those changes made for the advancement of a more solid, equitable, and substantial justice, according to the variable nature of human affairs,—a progressive experience, and the improvement of moral philosophy,—from those hazardous changes in any of the ancient opinions and decisions which may arise from ignorance, from levity, from false refinement, from a spirit of innovation, or from other motives of a nature not more justifiable."† Such are the reflections of Edmund Burke. It must never be forgotten that our system is bound up with free institutions which are the inheritance of a free people. Our laws, therefore, have a historic life, a customary and a traditional influence.

* Vol. ii. p. 171, Stanley's Life. † Vol. viii. p. 64.

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Adjudged cases and judicial reasons, publicly accepted, are incorporated into our judicial system,—a system which requires a reflecting mind to appreciate as it deserves:—

> "There needs, forsooth, deep salutary thought,
> The eye that, like the diver, sees its way
> To the pool's depth with vision undisturbed."

Is it not worthy of Social Science to give a greater efficiency to this system, to secure a greater reverence for the law itself, a higher position for the legal profession? Nor is it a light matter whether this profession should sink to a vulgar level, or be raised to a higher elevation. Public justice must have its ministers, and public policy requires that these should be men of refined feeling and cultivated minds. It is not enough to have a supply of rough and ready justice. However useful this lower currency may be, we must seek to maintain a great and goodly system of jurisprudence, under which public order, civil and religious freedom, protection of life and property, may be adequately secured—a system which will nurture advocacy of the highest order, and encourage the learning, the wisdom, and the love of justice, which are not less the ornament than the support of judicial authority. The amendment of the law, the increased efficiency of our judicial system, and the elevation of the Bar, are not the only benefits to be realized. "The soul of civilized society," * says the admirable Arnold, "the power and the will to take part in the administration of the great system of national government, to watch over and assist in the execution of the existing laws, and, at the same time, to observe their deficiencies and propose their remedies,—the spirit of real liberty which distinguishes the citizen from the mere subject, . . . that practical vigour of mind which, diffused amongst the mass of the people under the guidance of sound principles, is the greatest earthly blessing of which mankind is capable."

To place the law of the land in such a light before the people, as a great system of justice in which they have a real and abiding interest, is worthy of our earnest and united efforts. Our jurisprudence ought never to be separated from our social progress, nor from our moral advancement. "The human idea of justice," † (says Dr. Whewell,) "is susceptible of many and large progressive steps, in the way of clearness, consistency, and comprehensiveness. In the moral history of man, this idea advances from the hard rigour of inflexible written law, to the equitable estimation of the real circumstances of each case; it advances also from the narrow law of a single community to a larger law, which includes and solves

* Vol. ii. p. 257, Hist. Rom. Rep. (later.) † Phil. Discov. p. 391.

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the conflict of such laws." But here I must halt. I have reached the extreme limits of my own Department. I cannot now turn towards the venerable Hall of Justice where we assemble on this auspicious occasion, without being reminded that there I learned to reverence the laws and institutions of my country. I cannot forget the many years of kindly intercourse which I have had with my brethren of the Bar and those venerable magistrates who have been gathered to their everlasting rest, who have enriched our jurisprudence with the treasures of their sober wisdom, their exact learning, and their chastened experience—Plunket, Bushe, Burton, Smith, Joy, Pennefather,—

> "The dust of these is Irish earth,
> Whilst with their own they rest,
> And the same land which gave them birth
> Has caught them to her breast."

Their memorials have not perished with them; these are bound up with the moral order of the world. The jurisprudence of every country is connected with the great system of universal justice, whose seat is in the bosom of God. The νομος of the Greek, the *suum cuique* of the noble and enlightened jurisprudence of Rome, the justice and mercy of our own, all culminate in a higher law—that Divine but simple code of sacred and of social duty—on which our gracious Redeemer, by His memorable comment, has stamped His own image and superscription :—

> "It sinks the specialties of race and creed
> In the deep sympathy of man with man:
> The highest law is systematic love."

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ADDRESS

BY

SIR JOHN GEORGE SHAW LEFEVRE, K.C.B., F.R.S.,

ON EDUCATION.

I KNOW that it is superfluous to ask for that indulgence which a stranger is sure to receive at your hands. I will, therefore, only observe that I have more than usual claim to it, for, notwithstanding my somewhat mature age, this is the first occasion in my life that I have been called upon to perform a duty of this nature. But it is not this that forms my principal embarrassment; it is the immense importance and the vast extent of the subject itself, and the impossibility of dealing with more than a small portion of it in the time which I may reasonably occupy. I am guided, however, to the selection of that small portion by the consideration that any pretensions which I may have to this chair rest mainly, if not entirely, on my official position in two important bodies having considerable influence on education—I mean the University of London, in which I have held the post of Vice-Chancellor for more than twenty years, and the Civil Service Commission, in which I have acted since its commencement in 1855. I shall accordingly limit myself for the most part to those points on which my experience derived from those avocations may entitle me to form an opinion, and may enable me to furnish information to the Association. I must ask your permission, nevertheless, to offer to you in the outset some observations of a general character.

I think that I may remark, without fear of contradiction, that the present time is peculiarly favourable for the consideration and adoption by the public and Government of any suggestions which may originate from this Association on the all-important subject of education. There never was a period in which there existed a greater fermentation of public opinion on any subject of social economy. There never has been a subject of social economy involving the immediate and prospec-

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tive welfare of so large a mass of the population. There is not any subject connected with which there has been greater unanimity as to the object to be attained, and a greater diversity of opinion as to the means of obtaining it. The recent commission on the state of popular education tell us that in England and Wales there are in round numbers 59,000 week-day schools, with two millions and a half of scholars on their books, nine-tenths of whom are children of the poor classes. The Commissioners of National Education in this portion of the United Kingdom speak of 800,000 children in 1859 on the rolls of the 5,400 schools then within their cognisance. I advert to these enormous numbers not only as showing the magnitude of the subject, but as indicating the great value even of any single suggestion for facilitating elementary instruction, multiplied as it may be by the numbers of those who may receive benefit from it.

Turning from these vast numbers of schools and scholars, let us consider for a moment their multifarious variety. At the lowest step of the ladder we have the infant schools; next to these we may place the ragged schools, the reformatory schools, the workhouse schools, and then, in their successive order, the national and parochial schools in the various parts of the kingdom, the middle-class schools, the public schools, the colleges, and, lastly, the universities. Every one of these institutions has, during the last few years, occupied more or less the attention both of private individuals and of the public. Many have been set on foot and supported by private means, by benevolent and public-spirited associations; others have been assisted from the public resources; almost all have undergone searching inquiry by royal or parliamentary commissions, and have been reformed and improved by active legislative measures. But this is not all that has been done for education. The like activity has been displayed in reference to the final stage of education—I mean professional education. This, in its many branches, has undergone similar investigations and similar experimental changes. The English Inns of Court have occupied themselves with the consideration of legal education. I may venture to say, in passing, that their progress has been somewhat slow, and their advances most cautious, notwithstanding they have been stimulated by Parliament, notwithstanding they have been advised by a royal commission, in which the eminent jurist, the late Lord Chancellor of Ireland, Mr. Napier, took a distinguished part, and notwithstanding they have had the advantage and the successful experience of the excellent arrangements both in the King's Inns and in Edinburgh, for the due education of the Bar.

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Much more activity has been displayed by the medical profession in securing for all its members sound courses of instruction under the regulations of the council established under the new Medical Act. If it were advisable, I might enumerate many other instances of the advance of professional education. I might notice the preparatory training for military officers, their examinations on admission into the service, the examinations and training for the civil service in this country and India, to which I shall presently and particularly advert, the extensive organization for education in practical science and art as applicable to manufactures, and the enforcement of the adequate instruction of those who are to be intrusted with commands in the mercantile marine of this country. All these various schemes of education are at this moment more or less occupying the attention of the classes to which they relate. Old prejudices are being put aside, ancient privileges are abandoned, and although, as I said before, there is much difference of opinion as to the means, there is a common end which all are pursuing—the instructing and elevating each profession and employment, and the better fitting those who follow it to perform their duties to their fellow-men.

I have dwelt so much on what has been already done, or is now doing, in the matter of education, that I may have raised a momentary inference that there is hardly any occasion or opportunity for the aid of this Association. Such is far from being the case, for notwithstanding all the progress that has been made towards providing the means of education for every class, many questions of grave importance, and some of which are the very root of the existing systems, are still in agitation and require discussion and solution.

With regard to the workhouse schools and reformatory institutions, the anomaly presents itself of providing a better and more careful training for the criminal boy, and for the children of the destitute, than can be obtained for the family of the labourer by his own industry and economy—an anomaly discouraging to his industry and self-denial, and impressing him with a sense of injustice, inasmuch as it creates an artificial competition in the labour market against his own children. In former years, when I took a part in the introduction of the great changes of the Poor Law in England, I felt the force of this difficulty, and I have never yet seen the solution of it.

As regards almost all the schools for the lower classes, we have still the problem before us, how to reconcile with the demand for juvenile labour the continuance of schooling long enough to prevent the instruction passing away like a mere

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dream. The late Royal Commission of Inquiry, quoting from one of their intelligent Assistant Commissioners, Mr. Fraser—that in the country districts, "on the average, we must make up our minds to see the last of boys, as far as the day school is concerned, at ten or eleven, and of girls on the outside at twelve"—state their views thus:—"Believing this to be the fact, and that in country districts eleven years of age will not cease to be a good average for the day school, we have inquired whether it may not be possible, even on this basis, to give children a good start in education, and to render the knowledge of humbler subjects and arts, now comparatively neglected, but peculiarly adapted to early years—the one absolute necessity for the minds of common men, and an invaluable substratum for a later teaching—attainable by all. We have already adverted to the aid which may be gradually given to this later teaching by means of evening schools. If these two means can be combined for a poor child—if he can receive an education sound as far as it goes till the age of ten or eleven in the day school—if, from that time onwards, he has an opportunity of continuing his first teaching in the evening school—and if it is made possible to establish an evening school in almost every village in the country—we believe that popular education will be placed on a foundation at once suited to the education of the labourer, and calculated, while it offers to all children the necessary amount of teaching, to give full cultivation to those who, even in the humbler classes, are found endowed with superior mental powers, and with the legitimate desire to raise themselves by their improvement." I say that if this limited period of attendance at the day school is all that we can expect in rural districts, it appears to me of paramount necessity that the principal efforts of the teachers should be directed to the better instructing of the children in the elementary subjects of reading, writing, and arithmetic, and that, as compared with these, everything beyond, so far as secular education is concerned, should be treated as secondary. This matter seems to be of pressing importance, for it appears that notwithstanding the intelligence and accomplishments of the trained teachers, they fail in imparting to the children the power of reading tolerably, and of simultaneously understanding what they read.

The question of what should be taught is not limited to the schools of the labouring classes; the difficulty is precisely similar with regard to the middle schools, and even the public schools and universities. In all these there are two conflicting alternatives; whether the matters taught should be selected with a view to improve and develop the mental powers, or

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with a view to be useful in the ordinary business of life. The former appears to me to be the safest principle of selection; but how this principle is to be applied—whether Latin and Greek are indispensable subjects for that purpose, or whether other languages or branches of knowledge, taught with equal care and as thoroughly, would not be equally efficacious—are questions upon which differences of opinion may exist.

Another question akin to these, and which requires consideration in reference to education, is what should be the limits of general and professional education, where the one is to cease and the other is to begin, or whether they can be carried on together. Upon this I venture to say that the tendency of professional to encroach on general education should be watched with the greatest vigilance. This is not only because the engagements of an active profession prevent further opportunity of self-education, but because time apparently gained by shortening the general education is often lost from the mind not being sufficiently matured to commence professional study.

If I were not afraid of wearying you, I might point out many other important questions which deserve the attention of those who interest themselves in the progress of education. I look forward to some of them being raised and discussed here, for I can say in all sincerity I am come here to learn and not to teach I feel indeed that I have extended my general remarks to a greater length than is becoming; and I therefore hasten to the topics which I have a more just claim to place before you.

I have adverted to the movement and progress throughout the whole field of education. In no part has it been more remarkable than the universities. And here I feel called upon to add that the University of London has, owing to peculiar circumstances, been able to take the lead in various changes in which it has been followed by some of the older institutions. I must be allowed to say a few words respecting its origin. It was incorporated in 1836, under the advice of the then Government, and especially of Lord Monteagle, then Chancellor of the Exchequer, who took the most lively interest in it. But its real origin dates from an earlier period, and is due to one to whom we owe so many other measures of social improvement,—to our great schoolmaster, using that title in its highest sense,—to one whom I will only venture to designate here as the President of this Association. He was the founder of the previous institution, under the appellation of the London University, which now flourishes under the title of University College. It was through his influence, example, and exertions, that the first effort was made to put an end to the monopoly of high educa-

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tion possessed, in England at least, by the Universities of Oxford and Cambridge, to open the door of academic knowledge to those who were shut out by their nonconformist opinions, and to extend its benefits to those who could not find the time or the means for the three years' residence in these ancient institutions. Although University College offered the means of studying the same branches of high knowledge which were studied at the old universities as well as other sciences and languages which had not formed part of their course, it did not obtain the privilege, to which it was fairly entitled, of granting academical degrees; but when the establishment of the present University of London was under consideration, University College, in a most disinterested and public-spirited manner, waived her claims to a separate privilege of this nature, and consented to give up her name of a University, and to be affiliated with King's College and many other colleges and schools, amongst which are included several in Ireland, to the new University of London.

I shall not offer any apology for entering into some details as to the University of London, and this for several reasons. It was a large educational experiment, and I rejoice to say it has been successful. It has already been, and is likely again to be, the model of other newly-founded universities. It is as much a university for Ireland as for England; and although as yet little known here, it offers facilities for degrees in arts to non-residents, which the regulations of the great Irish universities do not afford; and it grants degrees in science which have not yet been founded in those universities. The University of London differs essentially from all that previously existed in the United Kingdom: it is not an educating, but an examining body. It is governed and managed by a senate of persons chosen by the Crown, which comprises some of the most distinguished public men of this country, in combination with men of the highest eminence in literature and science, of whom I will only name Mr. Grote, Sir George Lewis, Professor Faraday, and Sir John Lubbock. The University has the power of conferring degrees in arts, medicine, and law, and in other branches of knowledge; but its principal action has been in arts and in medicine. With regard to the latter, the opportunities of studying medicine in London necessarily surpass those in any other part of the kingdom, possibly, in any other part of the world; and it is not surprising that by a carefully framed code of regulations—from time to time revised by the light of subsequent experience—the University has placed itself in the first rank of institutions for medical education, and that its graduates, now arriving at the maturity

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of their practice, occupy the foremost places in hospital and general practice. The University, however, in providing adequate conditions for securing the required medical and surgical knowledge, has kept carefully in view the point to which I have before adverted—their general education. This has been secured by requiring for medical students the same matriculation examination on their admission into the University as for those who intend to proceed in arts. This matriculation examination, equally applicable to students in arts and medicine, was a new feature in university education in England. It enforces the necessity of a certain, though limited, knowledge of Greek and Latin, chemistry, mathematics, and French, on every student on his first admission. This arrangement has had a much wider result than was anticipated by the Senate. The certificate of matriculation, and the examination in order to obtain it, are regarded by the public as a kind of minor degree, and give to those who pass it a higher status than could have been expected; but what is of more importance, the matriculation acts most beneficially on the schools, whether public or private, from which the students may proceed. Our standard of admission becomes their standard of education. The candidates exert themselves to pass and to take honours and prizes, but the competition is felt also among the schools themselves, which gain proportionate credit by the success or failure of their scholars. I have enlarged on this peculiarity of the system, as well on account of its novelty as on account of its success. With respect to the examination for Bachelor of Arts, it is unnecessary to say more than that it involves the necessity of somewhat higher attainments than at Oxford or Cambridge, in order to pass, and that the standard for honours resembles that at Cambridge, to such an extent, indeed, that there are several instances in which graduates of the University of London, having found it desirable afterwards to pass through Cambridge, have taken the very highest mathematical honours there, fully justifying those which they had previously obtained. The degree of Master of Arts, which is granted as of course in the older universities to Bachelors of a given standing, is only given in the University of London upon an examination of a high character in classics, or mathematics, or mental science; and by this means an inducement is held out to students to prolong their education beyond their ordinary Bachelor's degree. This may be considered as in some degree compensating for the want of fellowships. The discretion confided to the Senate as to making regulations, the entire absence of all restrictions and usages imposed by the founders of the Colleges of Oxford

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and Cambridge, and of all antiquated usages, has enabled them to look at one single object, the promotion of sound education, and from time to time to introduce such improvements as their own experience or the criticism of others may have suggested.

Amongst these I may mention two very important changes which have recently been made with respect to the degrees in the University of London, and which, although of an experimental character, promise satisfactory results. Up to the year 1857 the University could only grant degrees in art to colleges and schools affiliated to it by the Secretary of State. These colleges and institutions were in many different parts of the kingdom; in some of them the students were resident under college discipline, in others they merely attended classes and lectures, living at their homes; the Senate had no means of controlling or even ascertaining their condition. It appeared, therefore, that there was no definite principle upon which the privilege of obtaining degrees should be limited to persons coming from these colleges and institutions, and that those educated elsewhere might be equally fit for this distinction. A precedent to this effect was found to exist in the University of Dublin, which granted degrees to individuals not resident or educated in the college, but who passed successive examinations for a prescribed number of Terms. Following in this course, the University of London obtained a new charter, empowering them to grant degrees in arts to any one, wherever educated, who should fulfil the requisite conditions of age and character, and should pass the matriculation examination, and two subsequent examinations at proper intervals, previous to the Bachelor of Arts degree. A considerable number of persons have been found to avail themselves of this new opening to academic study, and an opportunity will thus be afforded of comparing the results of public or collegiate, and private or home education. The other change to which I have adverted was made in consequence of the earnest solicitation of the principal scientific men in England. They represented to us that those who intended to pursue the higher branches of science were excluded from degrees and honours by the classical requirements attached to degrees in arts, and that, without abandoning altogether the study of the ancient languages, a curriculum might be formed quite as useful for the development of the intellectual powers, and leading gradually, but without interruption, into the higher departments of science. The Senate, after careful inquiry and consideration, acceded to these representations, and a new degree has been established—bachelors and doctors—of which the bache-

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lor's degree represents a considerable and extended knowledge of the principal branches of science and the doctorate indicates very high attainments in some one particular science. The period has not yet arrived for conferring any such doctor's degree, but already there are a considerable number of candidates for the baccalaurate. The progress of the University since its first commencement has been gradual and continual. The number of graduates in the different faculties amount to 1000, and the number who have this year presented themselves for matriculation are between 300 and 400. With regard to the graduates, they have combined with the corporate body of the University; and although the management still rests exclusively with the Senate, the graduates have the right of assembling in convocation, and of expressing their views and wishes upon all points connected with the University.

Such is the history, and such is the present condition of that university. You will already have recognised in it the pattern of the Queen's University in Ireland, and its three great attendant colleges in Galway, Cork, and Belfast.

But the influence of a good model and of a successful experiment has not been limited to the United Kingdom. Our noble President in founding University College could not have foreseen the extent and continuing progress of the wave of improvement which he originally excited by giving motion to the stagnating waters of university education. The sound of it has gone into all lands, even unto the very ends of the earth. The University of Toronto, in Canada, as latterly constituted, resembles the University of London in many of its features. The two great universities in the antipodes—Melbourne and Sydney—are established in the very words of our charter. They have the same liberal principles in their foundation deed, the same practical details in their management, and in taking up their calendars, and looking at their examination papers, degrees, and prizes, it is difficult not to believe that they are additional volumes of our own series. Perhaps, however, the most remarkable of these imitations are the Universities of Calcutta, Bombay, and Madras. They were established in 1857, and are, I believe, almost exactly like each other in all their arrangements. I have before me the Madras University Calendar for 1860-1. I perceive in it the Act establishing the University. That Act nominates a Senate, comprising all that is most distinguished for ability in that Presidency, with the same powers of granting degrees in arts, laws, and medicine, as the University of London, with the express superaddition of civil engineering. I look at the

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practical regulations—at the subjects of examinations—at the questions actually set. I perceive the care and discrimination with which the subjects are adapted to the native as well as to the English youth, and the judicious manner in which some of them are made indispensable and some optional. The matriculation examination, on the importance of which I have already sufficiently dilated, is to be found there. Every candidate must pass in English, and in history and geography, but all have the option of Greek, Latin, or Sanscrit, or a vernacular language; all must pass in mathematics. The standard adopted on these subjects is at least as high as in this country. I might make corresponding remarks with regard to the subjects and questions for the other degrees in arts and law, medicine, and in civil engineering. I wish that time would permit me to place before you the questions which native candidates are expected to answer, and actually do answer. Here is a paper of questions in English literature, set for Bachelors of Arts, in 1860, by Sir Alexander Grant, a most distinguished Oxford man. I will read one or two of them, premising that Shakespeare's "King John," Milton's "L'Allegro" and "Penseroso," and Bacon's and Macaulay's "Essays" were specified subjects:—"1. Analyse the characters of *Lady Constance* and of *Falconbridge*, as portrayed by Shakespeare. 2. Quote from 'King John,' and from other plays of Shakespeare, passages bearing on the insular position, the freedom, and the jury of England. 3. Give a list of Milton's prose works, marking the occasions which gave rise to them. What do you know of his course of study? What was the relation of Milton to the Puritans, the Cavaliers, and the free-thinking Republicans of his time? 4. Compare the styles of Bacon and Lord Macaulay. 5. What is the relation of the English language to French, Latin, Saxon, German, Danish, Dutch, Greek, Hebrew, Sanscrit?" Now let me read to you the names of some of the Bachelors of Arts of 1859, '60, '61, if I can pronounce them,—Gopal Ran, Venkata Ran, Chellappa Pillay, Subra Manyan, Sankaranya,—in juxtaposition with Grant, Snell, Taylor. I feel that you will admit that it is a most extraordinary and interesting fact that we have already succeeded in imbuing the Indian mind with such taste for English poetry and literature, and such information as the answers to such questions must display. I will only add that in the several other branches of knowledge, the acquirements which, of course, correspond more or less to the questions, are quite as remarkable.

Whilst adverting to the progress of University education in this new direction, and under these new phases, I should be

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unfair if I omitted all mention of the movement which has taken place in Oxford and Cambridge. The statutes, powers, and usages of these universities and of the colleges composing them having been carefully investigated by Royal Commissioners, their recommendations have been carried into effect, with proper modifications by subordinate legislation on the part of the Commissions appointed by Act of Parliament. The general result of these changes is to advance in the same direction in which the University of London had preceded them, to open the doors of the universities to dissenters of all denominations—to enlarge the curriculum of studies, to adapt it to the altered wants of the community, and to render the fellowships more effective in stimulating industry and improvement by increasing the field of competition, limiting their duration, and particularly by applying their endowments to increase the number and emoluments of the professors. These alterations have been for the most part cordially received by the universities and colleges, especially by the more energetic portion of the residents, and there cannot be a better proof of the desire on their part to increase and extend the utility of these rich and ancient foundations to the public at large, than their voluntary institution of what are termed the middle-class examinations, diffusing throughout the land the desire for every kind of useful knowledge, and supplying new motives and rewards for industry. The process of improvement of these public foundations for education is still going on, and in this very session Parliament has given power to commissioners to investigate into the condition of Durham University with a view to ascertain and remedy the causes of its tardy progress; and the Crown has instituted an inquiry by a body of well-selected and distinguished persons into the state of Eton and Winchester, and the other great public schools of this kingdom.

In the meantime, and whilst this movement and change has been going on in the other universities, the university of this city, which bears the honoured name of Trinity College, has been reaping the rewards of an earlier development of liberality; she has pursued the even tenor of her way, preparing for the world, by her excellent course of education, men who have distinguished themselves in science, in the professions, and especially in the law.

Indeed, as regards the law, she has not only supplied almost entirely the judicial bench of Ireland with judges of the highest knowledge and character, but has actually invaded that of England to such an extent that out of the fifteen existing common-law judges, no less than five owe their education (and may I not say their eminence?) to Trinity College,

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Dublin; and to this I must add the actual and coming success of the member for Belfast, Sir Hugh Cairns. But I shall presently advert again to the University of Dublin, and I must now pass to the remaining topic on which I propose to address you.

As it is only in reference to its connexion with education that I wish to bring the Civil Service Commission under your notice, I will not enter into its origin or history, or describe the difficulties it has had to encounter, and which it has, happily, surmounted, but I will endeavour, in the fewest words possible, to explain its functions. They are these:—As regards writerships in the Indian Civil Service, any person of the prescribed age and with proper certificates of health and character may offer himself as a candidate, and if he succeeds in obtaining a sufficiently high position in the competitive examination, he is selected for a writership, subject to the passing of a second examination in the following year in certain specified subjects connected with his duties in India. As regards appointments to the various junior situations in the Civil Service of the United Kingdom, there is no such general competition. In general, the Government, or the head of the department, (if the patronage rests with him,) nominates the candidate, who is examined as to health, character, and attainments, under the direction of the Commissioners, and obtains, or fails to obtain, a certificate, without which he cannot be appointed to office or have the right to superannuation. In the principal departments considerable approach has been made to a system of competition. Several persons are nominated as candidates for each appointment, and it is given to the one who surpasses the others in a competitive examination, supposing him not to be below the positive standard of fitness. With a view to render these limited competitions more effective, in those departments which are connected with the Treasury, a preliminary examination takes place, to determine the positive fitness of candidates, who are afterwards nominated to compete at the rate of three to a vacancy. The subjects of examination are fixed by the respective heads of departments, but with the assistance of the Civil Service Commissioners, who are alone responsible for deciding the proper standard of requirements, below which the candidate is to be rejected. I believe that this very brief statement of the objects and functions of the Civil Service Commissioners will be sufficient to render intelligible the remarks which I am about to offer to you. I will only add one statistical fact; that since our first establishment in May, 1855, we have given certificates to more than 7000 persons, and have refused them to more than 2,300.

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Our operations under the Civil Service Commission enable us to form an opinion not only as to the candidates themselves, but as to the state of education of the classes to which they belong; and I regret to advert to the extreme ignorance displayed on the most elementary subjects by the greater part of those whom we have rejected. It is true that a considerable number of the lower appointments, especially those of letter-carriers, are filled by persons forming part of the labouring classes; but for these it is found that writing a short sentence from dictation, and arithmetical operations beyond the simplest possible sums in addition, form too severe a trial; and the Postmaster-General has found it necessary to limit the examinations to four sums in simple addition of four lines each, writing the candidate's own name not illegibly, and reading the addresses of a small number of letters of average writing. Even with these limitations a considerable number fail in obtaining certificates. If, as I conceive, the efficacy of a system of education established for the lower classes is not to be judged of by the reports of inspectors, however faithful, but by the real practical results, as exhibited by individuals taken at random out of the classes who are subjects of that education, what a disappointing and dreary result of all the efforts of the Government and of individuals, of the expense in money and in time devoted to the education of the children of the labouring classes, is thus arrived at! I conceive that this is an additional proof of the extent to which early instruction is totally forgotten by the time the child becomes a man.

Going up a little higher in the scale, to those junior appointments in the Civil Service which are filled up from the middle classes, I cannot say that the examinations show a better proportionate result. I may mention the incredible failures in orthography, the miserable writing, the ignorance both of the elementary theory and practice of arithmetic. It is comparatively rare to find a candidate who can add correctly a moderately long column of figures, and many do not understand common notation so as to write down in figures a number described in words. When the examination extends to English composition or history, the performances of some of the candidates are poor beyond belief, and we are under the necessity of keeping the standard very low, in order to prevent the public inconvenience which would arise from an indiscriminate rejection. I am sorry to be obliged to extend these remarks to the subject of languages, whether ancient or foreign. A speaking knowledge of the latter is not uncommon, but a correct grammatical acquaintance with any of them is rare, and when to translate out of English into the ancient or foreign language

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is one of the requirements, the defects of the performance are ordinarily most discouraging.

I look forward with hope to the extension of the principle of unrestricted competition throughout the English Civil Service, although I should wish it to take place gradually, as the public mind becomes prepared for it. I will not enter here into the discussion of the expediency of this measure, so far as the Civil Service is concerned. I will only say that I believe it to be impossible for any person administering for any considerable time the affairs of the Civil Service Commission not to become convinced of the soundness and safety of that system. I will only speak of it in reference to education. I think the establishment of unrestricted competition would greatly assist the progress of education—it would be a wholesome and effective stimulus to all those classes of persons from which candidates for public employment proceed. Not only the candidates themselves—a body far more numerous than at present would endeavour to increase their acquirements to a maximum, instead of aiming only at a minimum sufficient to pass—but their standard thus raised would become a standard of school education. Moreover, as the Civil Service Commissioners have the duty of advising upon the subjects of examination, we should be able to suggest such subjects for competition, in addition to the requisite official subjects, as might be most likely to promote sound systems of instruction. In illustration of this, I may point out that, by making reading aloud intelligently an essential and important part of the examination for the lower classes of appointments, we might give great encouragement to that particular accomplishment, and thus induce those who have the management and teaching of parochial schools to remedy the deficiency in this respect, complained of by the Royal Commission of Inquiry into Education. In like manner, we might advance and stimulate one of the most useful of all acquirements—that of correct English composition.

In stating these views, I wish to be understood as not losing sight of the primary object of the Civil Service Commissioners—that of obtaining intelligent and industrious public servants. At the same time I feel sure that we may regard as a secondary, but very important object, the diffusion of sound education, and that we may do much good by operating in that direction.

Passing from the Civil Service of the United Kingdom to the Civil Service in India, I must remark that, in devising the present arrangements for the admission of persons into that service, Lord Macaulay and his colleagues were especially

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desirous not to disturb the ordinary course of studies pursued by young men under education, wherever they might be receiving that education. In the programme of subjects, therefore, established for the competitive examinations, not only the ordinary branches of knowledge, classics, and mathematics, which are followed by the majority of young men, at all universities, colleges, and schools, were included, but to these were added mental science, the natural sciences, the most common foreign languages, and also Arabic and Sanscrit; and, as regards these, not because of their prospective usefulness in India, but because they are beginning to form a part of academical study. It was conceived that in this manner general education would be promoted and benefited by the establishment of these examinations. We have endeavoured to impress this on the public mind, and not to encourage special preparation for these competitive examinations for the India Civil Service, and especially to discourage the process called "cramming," or known under a still more familiar name at the universities. We wish the competition to decide not who know something of the greatest number of subjects, but which are those who give the greatest proof of ability and industry. We regret to perceive an increasing disposition on the part of candidates to read (as may be said) speculatively for this examination, to address themselves to subjects likely to tell in marks, and, instead of thoroughly acquainting themselves in one or two they aim at mediocrity in many, as leading to high totals of marks in the final calculation. We shall take the requisite steps for discouraging this course of proceeding. The entirely unrestricted nature of the competition for the Indian Civil Service, the great value of the prizes offered to the successful, and the large number of competitors, not only render it the greatest stimulus to literary and scientific acquirements that has ever been applied, but, at the same time, will furnish us with a large mass of facts enabling us to form a judgment on the position and relative state of knowledge and education in different parts of the kingdom and different universities and schools. In reference to some of these points, we have examined and analysed the list of candidates, successful and unsuccessful, with considerable care, and some few of the results it may not be out of place to mention to you; I will therefore venture to draw your attention to a table showing for the last four years the number of writerships contended for, the number of candidates successful and unsuccessful, and the parts of the kingdom whence they proceeded. I have placed in the margin the relative population of the three kingdoms, which may be regarded as the fair measure of distribution of these offices between them, and I wish

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you to observe the position in which Ireland is placed in this tabular comparison:—

NUMBER OF CANDIDATES FOR THE CIVIL SERVICE OF INDIA IN EACH YEAR.

POPULATION.	NUMBER OF CANDIDATES.							
	1858.		1859.		1860.		1861.	
	Successful.	Unsuccessful.	Successful.	Unsuccessful.	Successful.	Unsuccessful.	Successful.	Unsuccessful.
22,000,000 England and Wales . .	9	28	21	50	34	46	43	57
5,750,000 Ireland .	8	4	10	12	23	8	20	7
3,000,000 Scotland .	3	3	6	6	10	6	8	11
Elsewhere .	1	11	3	11	13	14	9	17

It is not only that Ireland has contributed a much greater number of successful candidates than her proportionate share, compared with her population, but the number of her unsuccessful candidates, as compared with the successful, is much less than in the case of candidates from England, and other places. To what is this to be attributed? In searching for its cause I naturally look to the place where the Irish candidates received their education, and I find that most of the Irish candidates came from Trinity College, Dublin. I look a little further, and I find, not merely that they passed a certain time in that place of education, but that almost every one of them had given previous proof of ability and industry in his education there, by obtaining scholarships, prizes, and other honourable marks of university or college distinction. The instances are too frequent and too numerous to be ascribed to chance, or to an accidentally large number of clever young men being simultaneously at Trinity College, Dublin. For my own part I do not entertain a doubt that the cause of the remarkable success of the Dublin students is to be found in the excellence of the system of instruction pursued there, and in the high intelligence and conscientious exertions of those who are engaged in the tuition. These gentlemen do not limit themselves, as is the case in some places of education, to forcing on a few promising youths to a pitch of high excellence, so as to

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do credit to their instructors and to the University; but they perform the real duties of instructors of youth, bringing forward, more or less, all who are confided to their care, according to their relative talents and capabilities, and launching into the sea of Indian Civil Service a fleet of goodly and well found vessels. I trust these conscientious persons may receive their reward in the success of their pupils in the important positions in India which they may be called upon to occupy, and that those pupils may never forget what they owe to their instructors and to Trinity College. I have made these remarks with all the greater satisfaction, because I am a total stranger to almost every one engaged in the administration of the University. I have wished to make known my impressions on the subject, and it gives me unfeigned pleasure that an opportunity has been thus presented to me in this place, and before this Association, of testifying my deep respect for the University of Dublin.

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ADDRESS

BY

THE RIGHT HON. THOMAS O'HAGAN,

HER MAJESTY'S ATTORNEY-GENERAL FOR IRELAND,

ON PUNISHMENT AND REFORMATION.

IN the wide range of Social Science, in the varied fields of inquiry which invite the consideration of all who have true regard for the progress and the happiness of the human race, I believe that few things can be found of more importance than the subjects to which the attention of this Department has been specially directed. They touch the foundations of order, and the security of peace in the world. They affect the protection of property and the sacredness of life. They have the closest relations with the material well-being of communities; and they have higher relations still—with the purity of public morals, and the redemption of multitudes from sin and suffering. More directly than many other of the topics which worthily claim the care of this Association, they address at once the intellect and the feelings, and attract equally the statistician and the philanthropist,—the statesman, who deals with the interests of nations, and the Christian, whose thoughts are in eternity.

Therefore, I may confidently say, that our peculiar investigations have been and will be peculiarly pleasant and fruitful, and not the less so, I trust, because we pursue them, on this occasion, upon Irish ground. For I may assert, in no boastful spirit, that Ireland has done very much in aid of the cause which we have all at heart—that efforts have been made, and experiments conducted, and difficulties surmounted, and results achieved, in the management and reformation of criminals amongst us, which have much advanced that cause, and fitly received the praise and excited the emulation of other countries. Of these things I shall have occasion to speak a little, by and by, and you will all have the opportunity of verifying any statements which I or others have made, or may make about

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them, by observing the actual condition of institutions which, in some respects, are amongst the most remarkable in the empire.

The subjects which our section is invited to discuss are two —Punishment and Reformation—properly connected, and each of great importance—and it is my duty to advert to both; but my own views as to their relative present interest, and the estimate of it which has been indicated by the course of our inquiries, since our meeting began, induce me to think that I shall best discharge that duty by glancing briefly at the first, and dwelling more particularly upon the second; and I have come to that conclusion, as well because the Reformatory system of our time is of special novelty, and therefore justifies special attention, and may need, for some, special elucidation, as because the doctrine of punishment and the principles which should regulate its infliction have been largely discussed, and may be taken now to be tolerably settled and generally agreed upon, amongst mankind.

Unfortunately, for long generations that doctrine and those principles were very much misunderstood. Extreme severity was regarded as the best, if not the only, agent for the repression of offences. Men forgot the wise maxim, "*Prestat cautela quam medela*," and made their laws merely vindictive, in disregard of the benefits of prevention, and in utter disbelief of the possibility and value of reformation. Our own statutes were mischievously cruel, and our gaols mere nurseries of crime. In these respects we had a bad eminence amongst the nations of the earth. The evil doctrine, that criminal legislation should only labour to make punishment deterrent, pervaded the codes of Europe, and had sanguinary issues in our own. *Ense recidendum!*—was the key-note of them all. The ancient legislator thought death merely an adequate punishment for the smallest offence, and knew no greater for the gravest; and very much upon that savage theory did the English law proceed. There was no consideration for the individual criminal—no memory of his claim to it, as a responsible creature, with an immortal soul—no thought of his value as a member of society, who might be utilized, if he was not destroyed. That law had more tenderness for the right of property than for the right of life—guarded it more jealously—estimated it more dearly. Hence, for a lengthened period, grievous barbarities characterized the action of our tribunals. The accused and the convicted were treated equally with excessive harshness, and the scaffold groaned with the multitudes who were sent prematurely to their account—people of both sexes and of every age —for offences, often, of the most trivial character. Lord Coke,

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as certain incidents in the State Trials demonstrate, was not a man of very delicate emotions, or much given to "the melting mood." Yet he exclaims in his Third Institute:—"What a lamentable case it is, to see so many Christian men and women strangled on that accursed tree of the gallows; insomuch, that if a man might see together the Christians that but in one year throughout England, come to that untimely and ignominious death, if there were any spark of grace or charity in him, it would make his heart to bleed with pity and compassion." The softening of manners and the progress of civilization led, by degrees, to a continually increasing diminution of this annual butchery, but the code which authorized it remained with little mitigation or amendment, down even to our own time.

Opinion mastered law, and the humanity of jurors, sometimes at the cost of paltering with their legal duty and their oaths, refused the wholesale sacrifice of their fellow-men. But, within the memory of many of us, the supreme penalty of death struck equally the parricide and the starving wretch who committed a larceny of five shillings. Even in the eighteenth century, the Legislature made capital the breach of the mound of a fishpond, the cutting down of a cherry-tree in an orchard, and other offences of no greater seriousness. In that century a child, eleven years old, was executed for witchcraft; a man, for refusing to plead, was pressed to death in the market-place of Kilkenny; and towards the close of it, in 1788, we have the record of the condemnation to death, by fire, and the actual execution, of a woman, before Newgate, for the offence of coining. Horrors of this kind might be multiplied to any extent, but I shall not sicken you by a repetition of them.

In vain, for many a year, the doctrine of Beccaria, that "crimes are more effectually prevented by the certainty than by the severity of punishment," was urged upon the Legislature. In vain was the appeal to the teaching of a sad experience, the wisdom of the statesman and the mercy of the Christian. Parliament, under high guidance, stood upon the ancient ways, and the slightest departure from the barbarism of its traditional policy was denounced, as full of danger to society, and injury to the Constitution of the realm. By slow degrees, however, the barriers of prejudice and ignorance were beaten down. Earnest and faithful men arose to assail them: and, in the face of frequent defeat and deep discouragement, their mission was bravely pursued, until, at last, the truth manifested its always prevailing power. The results have disappointed the gloomy anticipations of the prophets of evil, and verified the promises of those who denied that sanguinary laws were essential to the maintenance of the social system. Commerce is not ruined,

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because the forger escapes the gallows;—and the householder has far less fear of burglary, than in the days when it was a capital offence. What sound theory, and some experience, led wise men to expect, has come to pass. The certainty of punishment has increased, in proportion to the diminution of its extravagant severity. Public sentiment approves the vigorous administration of the law, which formerly revolted it, by inflictions, terrible in themselves, and out of all proportion with the offences to which they were applied. Prosecutors are not deterred from entering criminal courts, by fear of becoming the agents of cruelty and injustice; and jurors do not shrink from conviction, because of penal consequences outraging their reason and shocking their moral sense. Crime, therefore, does not go unpunished, and its diminution has been great. Executions have grown rare—in this city there has not been a single one since 1842; yet property is incomparably more secure and life less endangered, than at any period to which it is possible to point.

The last penalty is now enforced only against the shedder of human blood; and, even as to him, thinkers raise the question, —Whether the time may not come, when secondary punishment may be found universally sufficient for the protection of society—as effective as that which, destroying the life of man, puts out of account one of the great objects of penal infliction, —the reformation of the offender,—in consideration of the necessity of repressing crime by the dread example of his death? That there resides in every community the right of self-preservation, to be exercised even at the expense of the destruction of those whose acts endanger its essential well-being, not many will be found to dispute; but, on the other, fewer than at most former times will contend, that there is any moral or religious necessity to make man answer with his own life for that which he has taken, unless the exigencies of the State require the sacrifice. Whether they do require it is, indeed, a subject of momentous import; or whether, consistently with their requisitions, which are plainly paramount, consideration may not be fairly given to the importance of avoiding, if possible, an act which is irrevocable, and may be erroneous—which has sometimes stricken down the innocent, designing to reach the guilty—which involves the earthly annihilation of a creature bearing the image of God, however distorted by passion or deformed by sin, deprives him of all opportunity of compensation to those who have suffered through his crime, and shortens the period of his preparation to meet his Eternal Judge? Thoughts like these have passed through many minds, and will arise in many more. They are not without en-

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couragement from the course and the results of modern penal legislation, or without countenance from striking passages in the history of other lands.

But, be the solution of this great problem what it may, we have gathered from the experience of the past some truths as to the theory of punishment, which have received very general acceptance. And amongst them, I think, are these:—

That, for all practical purposes, human law should deal with crime, not to avenge, but to prevent, and to reform.

That merely vindictive and repressive action defeats its own purpose, and increases the mischief it would do away.

That severity, disproportioned to the character of offences, and pressed beyond the point at which it may suffice to check by example, and restrain from repetition, is at once unnecessary and injurious.

That the justice of human punishment is bounded by its necessity; and while the wise legislator should labour to make it fall with certainty on guilt, and carry it out with unflinching firmness, he should reconcile, so far as may be permitted, the claims of the community to complete protection against crime, with the reformation of the convict, and make that reformation, where he can, the aid and the instrument for securing that protection.

And these considerations lead me naturally from one division of the labours of our section to another. Heretofore, I have dealt briefly with the history and doctrine of Punishment; I turn to the scheme and principle of the Reformatory movement, which has been one of the most signal illustrations of social progress in our time. It is a time full of material wonders. Almost every year produces something stranger than the last, and imagination halts behind reality. Physical science annihilated space and time. Thought flashes instantaneously from continent to continent; and distant nations are brought into that closeness of neighbourhood, which, by identifying their interests and dispelling their prejudices, must needs continually, more and more, consolidate, in spite of every obstacle, "the Federation of the World." But I venture to doubt whether, amongst all these mighty changes,—so astounding in their grandeur, so bewildering in the rapidity with which they have been wrought,—there is anything more full of interest and true delight to the lover of his kind than in this quiet movement, which has its dealings amongst the outcasts of the earth, and its noiseless triumph within prison bars.

In these countries, the changes of which I have spoken had been accomplished, and in others, similar results had been

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attained. Howard had not vainly "cast his bread upon the waters." His great apostleship of charity did not end with himself, and the prison system of this empire and of Europe had been much improved. Classification and order, though they are still very imperfect here and elsewhere, had been introduced largely and beneficially amongst convicts in most civilized lands. But this was not sufficient—did not seem at all sufficient to many, who thought that it was right to regard their ultimate destiny, after the time of their imprisonment had passed. Such persons looked abroad upon the prison world, and they marked some things which were very notable. They saw that, in general, human law made no distinction between the crime of the child and of the adult—that the innocence which had been obscured by a single error, the growth of temptation or necessity acting on an infant's unformed mind and feeble purpose, was dealt with, too often, as the crime of the hoary ruffian, stained with many infamies, and hardened in his sins. They saw the juvenile offender passing, perhaps, from an honest home to a felon's gaol, corrupted by contact with its abandoned inmates, graduating through all the stages of immorality, and then sent forth to prey upon his kind. And, seeing these things, they saw that it should be otherwise; that the child's crime was not the man's crime, or to be dealt with as if it were; that their different conditions of intellect and morals called for different treatment, and that the system which made the man's prison also the child's was often responsible for steeping him in iniquity, and robbing him of hope here and happiness hereafter. Further, they saw that the traditional and settled discipline of the gaol, modified though it had been, made no sufficient provision for the moral culture of the criminal—no preparation for his transfer to the world, in a condition fitting him to take his place amongst men, as a useful and prosperous citizen—no training which might fit him to walk forth, self-relying and self-dependent, without new contamination from his former comrades, and certain return to the evil courses from which the coercive power of the law had withheld him for a time. And, finally, they saw that, equally in the cases of the child and the adult, imprisonment involves loss of character and caste; involved, in multitudinous instances, loss of the means of an honourable livelihood; deprived the unhappy convict, even if disposed to return to a better state, of the opportunity of redemption in the aid of friends or the confidence of employers; and drove him, in utter and despairing helplessness, very often to lead a life of wickedness, and sometimes to die a death of shame.

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Observations such as these, occurring to persons of generous nature and clear intellect, bore fruit in time; and we have seen that fruit developed in institutions of rare excellence—Reformatories for the young, Intermediate Prisons for adults, and Patronage Associations, Refuges, and Aid Societies for prisoners disposed to amend their lives. To each of these subdivisions, constituting together, I conceive, the Reformatory System, which tends to give a special character to the criminal jurisprudence and administration of our age, I propose, in a few words, to invite your attention;—not with any effort of reasoning or elaborateness of detail, for these may well be left to the able men who have instructed the section by papers on special subjects; but, mainly, that I may indicate how remarkable has been its success in Ireland, and how strongly that success should encourage further effort to push it to still more effective issues.

Let me say, in the first instance, that the moral state of this country, as it is demonstrated by the condition of our gaols and the proceedings of our criminal tribunals, furnishes ground for congratulation and hopefulness. Formerly, the crime of Ireland was heavy in amount and serious in character. Even then, there were too many found, at home and abroad, to exaggerate its enormity;—but, unquestionably, it thronged the prison and crowded the convict ship, and sent many to the scaffold. Now, the judges are enabled to speak, with a happy unanimity, to the unwonted absence of grave violations of the law. At the assizes which have lately terminated, they were very often, and in many counties, without occupation in the trial of prisoners; and, everywhere throughout the island, they found peace and order, obedience to authority and security for the possessions and persons of the people. And this is no accidental or abnormal condition of affairs. The improvement has been gradual, steadily progressive, and, therefore, likely to be permanent. The late report of the Inspectors-General of Prisons shows, by very clear statistics, that, year by year, for a long period past, the number of criminals has been steadily diminishing, until that number which, in 1850, amounted, throughout our gaols, to 10,967, has dwindled, in 1861, to 2,488. In 1822, there were 101 executions in Ireland; in 1861, I know of only a single conviction for a capital offence. This moral revolution is as remarkable as it is gratifying; and we may confidently say to our distinguished visitors from the Continent and Great Britain, that though we have our weaknesses, our follies, and our faults, they will find amongst us now, not only the religious earnestness and

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domestic purity, which were never wanting in the worst days of the past, to vindicate for us something of the traditional fame of our nation as the *Insula Sanctorum*,—but, also, an absence of crimes of fraud or violence, which it will not be easy to parallel in any country of the world.

But, passing from this glance at our general state, let me speak shortly of those efforts in the reformatory cause which have aided in making it so fortunate and happy. And first, of the reformation of the young—a thing much to be regarded, whether we consider the facility for making it effectual, which arises from tenderness of age and susceptibility of good impressions; or the advantages it offers to society, in penetrating to the springs of crime and cutting off the supply of criminals. In this department of social progress, as in many others, we must acknowledge a large debt of obligation to our Continental neighbours. They led the way, set the example, and indicated the course which might be followed with advantage. In France, in Belgium, in Germany, and in Prussia, at no very distant time, good men and holy women began the charitable work, and established institutions of which, to an audience so informed as this, it would be idle to attempt minute description. But one of them eminently attracted notice throughout Europe, and had, I believe, very special influence as an exemplar and encouragement in England. It was commenced at Mettrai, by a man who abandoned the dignity and emoluments of a judicial position to dwell with the young criminals of his country, and labour unceasingly for their redemption. In the noblest spirit of self-sacrifice, M. De Metz dedicated his life to this labour of love. He found the way to the hearts of thousands who, but for him, would have grown up in vice and misery; and gave them back to the nation which, but for him also, they would have continued to disgrace—virtuous men, and loyal and productive citizens. They obtained private employment and public office; they thronged into the army and navy of France; and I remember how pleasant it was, to see at Mettrai the memento of the visit of one of its former colonists, who returned, after years of successful struggle, to show proudly to his youthful successors the cross of the Legion of Honour glittering upon the breast which had once been covered with the uniform of the child of crime. The success of this noble institution for a long series of years has been uninterrupted, save for a short period at a time of political convulsion; and we have all heard, with great gratification, from a paper of the highest interest, communicated to the section by Miss Hill, that its efficiency and means of usefulness

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are at this moment greater than they ever were. She states a very assuring fact: that, of 1,646 young criminals subjected to its discipline, and restored to liberty, only eighty-five returned to crime; or, as the French Minister of Police has shown, 5·43 per cent. of the whole. Ninety-five other youths, for various sufficient causes, were removed from the colony.

In England, a good many years ago, similar undertakings with a similar object, were attempted by private benevolence. They had much success. They got earnest support from many generous hearts and able intellects; and some of those who have honoured our meeting with their presence—the admirable Miss Carpenter, the learned Recorder of Birmingham, and Mr. Baker, my most efficient colleague, who has so often during this meeting given us the great assistance of his clear judgment and large experience—laboured, as they labour still, in season and out of season, to promote the interests of a cause with which their names will for ever be identified in gratitude and honour. But private benevolence needed the aid of law, and at last, after some difficulty, the Juvenile Reformatory Act was passed for England, (the 17 & 18 Vict. cap. 86,) which did not recognise reformatories as purely state institutions, but afforded them, upon their establishment by voluntary contribution, legal power of control, pecuniary aid, and Government inspection. How well that Act, although in some respects, perhaps, imperfect and needing change, has worked in England, there are many here who can tell with knowledge and authority to which I cannot pretend; but I may state that the diminution of juvenile crime in that country is very remarkable indeed. In 1856, 11,808 English and Welsh boys were committed; in 1860 the number had diminished to 6,765; in 1856 the committals of English and Welsh girls were 2,308; in 1860 they were 1,269. And it has been stated to us, on high authority, that the commencement of the decrease, in the various districts, towns, and counties, has generally been contemporaneous with the commencement of reformatory action on their populations. The effect has also been to weed away the youthful criminals most thoroughly trained and most competent to lead others into error. Mr. Baker instituted an inquiry very lately, in the Coldbath-fields district of London, with the assistance of the justices, and the results were these:—That an average of 350 boys had been reduced to an average of 89; that, whilst about a fourth of the 350 used to be boys who had been several times convicted, and were adepts in crime, there were only ten such under sixteen, or one-eighth of the number, in

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custody at the time of the examination; and that of the 300 persons last committed, there were only 42 who had been in the prison before—some 14 per cent., instead of the former average of 50 per cent. And that this individual instance not unfairly represents the general working of the English reformatory system has been demonstrated to us in the course of this meeting, by the most conclusive testimony as to other districts of England.

The Irish Reformatory Act was framed on the model of the English, some time after it had come into operation. Like the English statute it does not aim to establish reformatory schools, but to sustain, and make them effective, when individual effort has called them into being. It gives to the managers the same means of restraint and detention, the same claim to assistance from the Treasury, the same right and benefit of inspection, and the same power of enforcing the wholesome principle of Parental Responsibility, which casts upon the father, whose evil example or culpable neglect has produced the immorality of his child, the necessity of contributing to its maintenance according to his ability. In one respect only does it differ in substance from the English statute, by expressly requiring that the inmates of each reformatory shall be under the control of persons of the same religious persuasion as their parents or guardians respectively. That difference was introduced upon full deliberation, and with the entire concurrence of men of various creeds and parties, in and out of Parliament, who took part in the promotion of the measure. It had some regard to the peculiar condition of things in Ireland, and the manifest difficulty, if not the total impossibility, of working such establishments here upon any other principle. But it had a broader ground and a higher justification. It proceeded on the belief that, for the reformation of the youthful convict, the influence of religion was absolutely essential, and that the exercise of that influence, in the permanent association and the family life of the Reformatory, could not be satisfactory or complete, if jarring controversies or various forms of worship found entrance there. That belief was warranted by sound theory, and confirmed by a very wide experience. Before the Act was passed, I occupied a portion of a long vacation in visiting many of the prisons and most of the reformatories in Continental countries, and I sought to ascertain the opinion of the best and the wisest connected with them, on this subject. I found it everywhere the same—at Mettrai and at Saint Foix, at Bordeaux and Berne, at Ruysellede and Strasburg. The same answer was given to the interrogatory by the Catholic priest and the Calvinistic minister—by the Sister of Charity in France and the

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Protestant Deaconess in Prussia. Universally they said that, for reformation, they needed religion above everything—religion, as in the life of the family—religion, in all its saving integrity and unbroken power; and that, therefore, they needed separate establishments for the children of their respective communions. And, in fact, it was so. Though, at Mettrai, De Metz was associated in his great work with a most excellent man, who lived and died a Protestant, Mettrai had no Protestant colonist; and I had to go far into the south to find the Protestant institution at Saint Foix, conducted almost exactly on the system of Mettrai, under the control of M. le Pasteur Martin, a Protestant clergyman, who received only Protestant inmates, and held the separation absolutely necessary for the useful effect of the teaching to which he and his lady had dedicated their lives. And in England, practically, the Protestant and the Catholic reformatories are equally the objects of the bounty of the Treasury—standing apart, that each may do its blessed task more surely; but combining in the accomplishment of the great result, which empties the prison, and gives honest workmen to the community and law-respecting subjects to the State. And it has been very agreeable to hear from men like the Rev. Mr. Fish and Mr. Baker, that the schools so constituted go on harmoniously, and that the Protestant manager and the Catholic have generally the best and most cordial relations, each acting honestly and exclusively for the benefit of the children of his own faith, and avoiding interference with any others.

The Irish Act has been worked on all sides with great energy and remarkable success. The various sections of the community have contributed for this purpose very liberally, but not so liberally as they would have done if they had had a full appreciation of the advantages, social, moral, and economical, which reformatories, rightly conducted, must secure to them. The Grand Jury of the county of Dublin and the Corporation of the city were prompt to use the powers entrusted to them by the Act in the most generous spirit, and, though their example has not been followed by similar bodies as widely as might be desired, in aiding schools already opened or creating others, I have not the least doubt that, when they come to be familiar with the great advantages which those schools hold forth to every district of the kingdom, they will emulate the example which has been set in Dublin. The Catholic Institution at Glencree, under the able presidency of the Rev. Mr. Lynch, was opened in the year 1859, and, since that time, eight others have been established in the Metropolis, in Cork, Belfast, Limerick, and Monaghan. Three of these are

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Protestant Reformatories, and the residue Roman Catholic—the Catholic population, from its great extent, furnishing, of necessity, by far the larger number of persons requiring reformatory care. The beneficial operation of the system in Ireland must, of course, require time for its development, and we have yet had scant opportunity of judging what that development may ultimately be. But, already, the indications are in the highest degree encouraging. Comparing the years 1858 and 1859, we find the reduction of the number of juvenile committals to have been very great—30¾ per cent. less for boys, and, for girls, 9½ per cent., in the latter year than in the former. And on a comparison of 1859 with 1860, the committals show a reduction of 13 per cent. as to the boys, and 11 per cent. as to the girls. These results appear to me to tend to the conclusion, that the action of the system, although still only in its infancy, is vigorous and healthy; and I have to add another statement that is scarcely of a less gratifying nature. The principle of Parental Responsibility has had effect in Ireland, even beyond reasonable expectation. It was not supposed, by those who most highly estimated its value, that it could be of much avail amongst us, regard being had to the poverty of the classes which must supply the occupants of our juvenile reformatories. And, certainly, the efficiency for good of such establishments, or rather the avoidance of one main peril to which many have believed them liable, must depend, in a large degree, on the enforcement of this salutary principle. Its importance consists, not only in the influence which it must exert upon parents, whom fear of compelled contribution to the support of children in a Reformatory may incline, in the absence of higher motives, to a greater care of their education and conduct, so that such a burden may be escaped; but, also, in the prevention of the danger—sometimes exaggerated, but certainly not to be ignored, and requiring to have every legitimate caution provided against it—of such parents seeking to cast on the community and the State the maintenance of their own offspring. I am very glad to be enabled to say, that, since the opening of the Irish Reformatories, a sum of nearly £300 has been recovered from the parents of their inmates. And this sum, though apparently small, is really considerable, when we remember the shortness of the period of their existence, the comparatively small number yet committed to them, and the further fact that, in 1859 and 1860, 60 per cent. of the children convicted in Ireland are reported to have been orphans, or to have lost either father or mother, and so to have been in the exact condition in which it became a special duty and a plain economy for the State to aid in snatching them from a life of

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crime. It is a pleasant surprise to find this valuable and effectual agent of the system of so much practical influence in this country, and likely to be of so much more in the probable future, when its machinery, from use, will come into more effective action.

Whilst we have thus great reason for congratulation in the prosperity which, so far, has waited on all our reformatory schools, we may anticipate a much larger measure, when experience shall afford a more general knowledge of their utility, and those who have to deal judicially with criminal children shall become more familiar with the rules of procedure, by which they may be worked to the best advantage. Two things I take leave to note, which I regard as of practical and pressing importance:—In the first place, when a child is found to be a fit subject for moral treatment in a Reformatory, it is absolutely necessary that he should be subjected to it for a lengthened period, in order to the production of any permanently beneficial result. He ought not to go there at all, or he ought to go for such a period. The object of the treatment is to conquer his habits of evil, and train him in the ways of virtuous industry, —to separate him definitively from connexion with his associates in crime,—to take from him the desire and the tendency to herd with them again,—and so to discipline him that he may go back into the world with some settled principle and some steady purpose, and be prepared to "walk undefiled in the tabernacles of corruption." To accomplish these changes, time, and a considerable time, is manifestly essential, and all, without exception, who have given intelligent attention to the subject, concur in believing that short sentences, in the majority of cases, are useless and pernicious. They may be lengthened without apprehension of mischief, as the Act provides the means for the abridgment of them, should the conduct and circumstances of the child make his liberation, before the completion of their appointed periods, desirable and safe. In this respect there is danger of error from the spirit of leniency in the administration of the criminal law, which has grown so strong in latter times, and sometimes works evil, only less to be deplored than the harshness we condemn in the times that are gone. It is as much the duty of a judge to be sternly resolute in the infliction of necessary pain, as it is his duty to decline the infliction of any that is not necessary; and, especially, where the object is not to punish, but to redeem, there should be no hesitation in pronouncing a sentence adequate to the accomplishment of that great purpose. The sentence, whose briefness deprives the child of the full advantage of reformatory influences, is to him a cruelty and not a mercy. The second practical observation

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I desire to make is this, that judicial persons, having a great discretion vested in them by the Legislature in the matter with which we deal, have corresponding responsibility, which should make them careful in the selection of the children whom they consign to Reformatories. Every child who comes under the ban of the law ought not to be sent to them. First offences rarely justify such a course, and very rarely when they are trivial; and in all cases, great vigilance should be used in ascertaining, so far as may be possible, that the young offender is really under the age fixed by the statute, and that he is not affected by such physical disease or extraordinary moral depravity as may render him a fitter inmate of the hospital or the convict prison. I know perfectly well how very difficult it may be to act on such a suggestion—how impossible it is that mistakes should not occur—but the subject is worthy of attention, as I learn that within the last two years several young persons, sentenced for various periods to our Reformatories, have not obtained admission to them, some having been beyond the age prescribed, and, therefore, not legally detainable; and others having been, for reasons such as I have indicated, held inadmissible by the managers. Occurrences of this kind should be avoided with anxious care, for they are full of mischief to the individuals excluded, and to the whole community.

But though, for a time, there must be errors and shortcomings in the administration of this novel statute, they have not been at all more numerous than might have been anticipated. Magistrates have, generally, been cautious in their judgments; and I do not find that the managers of the schools are in any case obnoxious to blame for the exercise of the authority, necessarily reposed in them, to which I have alluded. Such things will diminish as time runs on; and the Act, under God's blessing, will realize the highest hopes of its most sanguine advocates. Ireland has always appeared to me to afford peculiar facilities for its beneficent action. The spirit of our people is ductile and impressible. They are keenly alive to the appeal of kindness; capable of appreciating justice, even when it bears hard upon them; and universally susceptible of the influences of religion. They have little of hardened, engrained hereditary guilt; and there never has existed amongst them a very large class of trained and professional criminals. In such a state of things, the reformatory principle, energetically and wisely worked upon the young, must have special chances of success; and when we remember what I have stated as to its operation upon the youth of France, and learn from Mr. Turner's recent report, that, of 1000 boys discharged in England, 600 are known to be doing well, and less than 120

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have been again convicted, we may anticipate progress at least as gratifying in this country, when the same saving power shall have been as long in operation here, under conditions certainly quite as favourable as in France or England. It will amply reward the bounty of individuals in establishing Reformatories, and of public bodies and the State in contributing freely to their maintenance.

Passing from this reference to the treatment of juvenile crime, I had intended to speak, at some length, of the systems which have prevailed in our prisons for adults; but that subject has been already dealt with so ably and so exhaustively in this Department, that many of the observations I was disposed to make would be superfluous, especially to those who have been present at our most satisfactory and most harmonious meetings. To those who were not, I may say, summarily, that the questions as to secondary punishment, which have been always amongst the most difficult of all which engage the attention of the jurist and the statesman, became peculiarly embarrassing in these countries on the abolition of transportation, partially in 1853, and absolutely, I may say, in 1857. That abolition was warranted by abundant reason, and at last made unavoidable by the resolution of various colonies to refuse the further admission of convicts. Penal servitude—confinement in prisons at home, with hard labour—became the substitute, and the problem was, how it could best be applied with a view to the great objects of punishment, the prevention of crime, and the reformation of offenders? The new necessity compelled, and still compels, attention to this problem, which had never been afforded in times when the compendious process of wholesale execution saved trouble as to the worldly future of the criminal, or when his removal to the antipodes relieved us from his presence, and all care about him. As to the English system of convict prisons, and tickets-of-leave, and its merits in comparison with that which has happily been established in Ireland during the last seven years, there has been some controversy, which must issue, as all free and fair discussion amongst good men issues, in the discovery of the truth and the advancement of the public interests. We have had the high authority of the Recorder of Birmingham for the statement, that the English system has been a great improvement on all that had preceded it. But, speaking here in no controversial spirit, and venturing only to judge of that, which, from its inception, and through all the stages of its progress, has come much under my own observation, I may say with confidence, that the Irish Convict Prisons have been managed with great ability and eminent success; and that the system which has grown up under my

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distinguished friend, Captain Crofton, and his able colleagues, both as to the principles on which it has proceeded, and the results it has attained, is entitled to the applause it has received, and the consideration it has commanded from thoughtful men throughout the empire and the world.

The establishment of that system has been prompted by an inspiring faith in the capability of human beings, although stained with crime, to be won back to virtue. Before our own time, that faith had found little acceptance amongst publicists and legislators, and, even yet, it is repudiated by some leaders of opinion, and many whom we encounter in social life. And, of course, it is to be taken with reasonable limits and qualifications; for there are moral incurables, as there are men and women whom physical disease has put beyond the aid of the healing art. I was much struck by a statement of the Rev. Mr. Fish, whose great experience and vigorous intelligence have so much aided us in our labours, when he said, on Thursday, that, after long familiarity and large acquaintance with them, he believed some three or four per cent. of English juvenile offenders to be incorrigible. There may be such a proportion, or, probably, a far larger proportion of adult incorrigibles, also. But, in general, the faith is sound and true, that the majority of prisoners, properly dealt with, are certainly reformable. And those who founded the Irish system had the further faith, that they are reformable through the same machinery of motives, attractive and deterring, applied to their peculiar state, which governs the conduct of their happier brethren. Its whole aim and object has been, acting on that faith, to apply those motives—sternly, but kindly—with careful adaptation to particular cases, but with steady adherence to certain great rules of action,—dealing with convicts, not as a chaotic mass of criminal mortality, but as men, having the peculiarities which distinguish one man from another, and to be swayed and moulded, like other men, by personal influence and individual care.

I pause to note the fact that the very system which has now been established in Ireland was shadowed forth, more than a hundred years ago, by a great Irishman, who anticipated our progress, and pointed out the path it should pursue. Most of us have been familiar, at some period of our lives, with the good Dr. Primrose in Oliver Goldsmith's famous tale. And some of you may remember how, when he was cast into prison by the Squire, and found it, as prisons then generally were, full of vice, and brutality, and vile disorder, he set himself to improve the occasion, and essay the seemingly hopeless task of amending the unhappy inmates; and how, when his family

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received the announcement of his purpose with "universal disapprobation"—as many would still receive the announcement of such a purpose, under such circumstances—"alleging the impossibility and impropriety of it; and adding, that his endeavours would in no way contribute to their amendment, but might possibly disgrace his own calling,"—his answer was:—"These people, however fallen, are still men, and that is a very good title to my affections. Good counsel rejected, returns to enrich the giver's bosom; and, though the instruction I communicate may not mend them, it will assuredly mend myself. If these wretches were princes, there would be thousands ready to offer their ministry; but, in my opinion, the heart that is buried in a dungeon is as precious as that which is seated on a throne. . . . If I can mend them, I will; perhaps they will not all despise me. Perhaps I may catch up even one from the gulf, and that will be great gain; for is there, upon earth, a gem so precious as the human soul?" As he spoke, he acted; and he tells us, how the criminals with whom he dwelt were mastered by his gentle wisdom and Christian firmness; and how, when some had become penitent, and all attentive, he tried to change their habits of evil by getting them a little profitable employment, and enabling them to earn some trifling wages; and how he then addressed their susceptibilities of hope and fear, and instituted fines for immorality, and rewards for peculiar industry; and how, at last, he formed them into "something social and humane." And then the simple man goes on to speculate:—"And it were highly to be wished, that legislative power would direct the law rather to reformation than to severity; that it would soon be convinced that the work of eradicating crimes is not by making punishments familiar, but formidable. Then, instead of our present prisons, which find or make men guilty; which enclose wretches for the commission of one crime, and return them, if returned alive, fitted for the perpetration of thousands; it were to be wished we had, as in other parts of Europe, places of penitence and solitude, where the accused might be attended by such as would give them repentance, if guilty, or new motives to virtue, if innocent. And this, but not the increasing punishment, is the way to mend a state. . . . It were to be wished that power, instead of contriving new laws to punish vice—instead of drawing hard the cords of society till a convulsion come to burst them—instead of cutting away wretches as useless before we have tried their utility—instead of converting correction into vengeance—it were to be wished that we tried the restrictive acts of government, and made law the protector and not the tyrant of the people. We

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should then find that creatures whose souls are held as dross only wanted the hand of a refiner. We should find that wretches now stuck up for long tortures, lest luxury should feel a momentary pang, might, if properly treated, serve to sinew the state in times of danger; that, as their faces are like ours, their hearts are so too; that few minds are so base as that perseverance cannot amend; that a man may see his last crime without dying for it, and that very little blood will serve to cement our security."—I recall your recollection to these pregnant passages, partly because they may attach something of local interest to speculations and discussions such as ours, in the country of a man who, so long ago, when our laws were written in blood, and still barbarously executed—when our gaols were earthly Pandemoniums, in which all hope was excluded, all virtue mocked at, and all reformation unknown—was enabled, with the instinct of genius, quickened by the benevolence of a kindly and gentle heart, to proclaim this beautiful gospel of humanity. Honour to Oliver Goldsmith! And when we shall come to pay him the homage too long delayed, and his statue, which is in preparation,—on the suggestion of our accomplished and beneficent Viceroy, who in this, as in so many other things, has proved himself *Ipsis Hibernis Hibernior*, —shall be raised in the centre of our metropolis, let us remember him, not merely as the sweet poet, the charming dramatist, the genial painter of the nature and life of man, but also, as one who preached remission to the captive, recognised in the criminal the fallen child of God, and sought to bring him comfort in the desolation and despair to which he had been utterly abandoned! But I have also produced these passages as containing intimations of almost every improvement, in the matters on which they touch, which can be boasted by the active philanthropy of our time; and because the system begun by Captain Crofton, in 1856, will not be less valued by the Irish people, or the world, for carrying into effect the great principles which Oliver Goldsmith announced, a century before, to deaf ears and stony hearts.

Throughout the whole prison life of the convict, principles like these regulate his treatment. He enters Mountjoy prison, and he has there to undergo the hard discipline of cellular incarceration. He works alone; not often visited by any one, and with ample opportunity for meditation and repentance, during the nine months of that probationary state. But he is allowed to have hope of the future, and hope to be realized by himself. The shortening of the period of his separation depends on his good conduct; and he knows that, when it shall have ended, he will have still further opportunity of

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improving his condition by his own endeavours. This expectation produces its natural result in his quiet and orderly demeanour, and his obedience to authority; and, in most instances, the period of his cellular confinement is accordingly abridged. Then he passes to Spike Island or Philipstown, where he labours in association with others under the strictest surveillance, and where continuing good behaviour enables him to rise from class to class, gaining, all the while, something for himself from the fruit of his toil, until he becomes fit for an intermediate prison, where he has more of freedom and a larger share of his own earnings, and where the same stimulating and sustaining influence of hope still operates upon him. By his own efforts, he can lay up a little store for the day of liberation; and, by his own efforts, too, he can quicken the coming of that happy day. If he will so act as to obtain good marks, it is hastened; if he fails to obtain them, it is postponed. Then, during the period of his detention in the intermediate prison, he has, in a larger degree, the benefit of intellectual and moral culture, which has been offered to him continually,—with the higher blessing of the religious care of a zealous and instructed chaplain,—from the commencement of his imprisonment. A lecturer—a gentleman very competent and very devoted to his duty—addresses to him plain speech on subjects calculated to arouse his interest and awaken his faculties—delivered simply, and in words within the range of his comprehension. And, when years have thus gone by, and the prisoner has profitably passed through all the stages of trial and improvement—when his relations with the wickedness of the outer world have been broken, and he has become inured to the ways of penitence and peace—when he has acquired knowledge, suitable to his condition, from the schoolmaster and the lecturer, and moral and religious principles from the minister of God—when he has formed the habit of honest labour, and learned to taste the sweetness of its reward—when he has gathered a little capital, hardly earned, and greatly valued, which may sustain him when he passes beyond the prison gate,—he is, in general, enabled to obtain his discharge, conditionally, before the period of his sentence is complete. And, in very many cases, as a part of his final probation, he is employed at large, in this city and its neighbourhood, on such service as the convict directors deem suitable for him, or at Lusk, where you will see him discharging the ordinary duties of an agricultural labourer, without enclosure or confinement of any kind; and it is found that he can be so trusted safely, and that neither the city messenger or the Lusk workman ever dreams of escaping from a control which has no apparatus of bolts and bars to make it effectual.

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And so the man passes from the prison to his place in society —not his old place, but a higher and a better. He does not make the passage abruptly, or without reasonable preparation. He has been fitted for it, by exchanging cellular separation for associate labour; and this, for the greater freedom and enlarged privileges of the intermediate prison; and this again, very often, for actual liberty, before he can claim that liberty as a right. And, even when he can so claim it, the guardianship which has directed him for years does not at once abandon him to his own devices. Generally, he is liberated, as the recompense of meritorious conduct, before the expiration of his sentence; and the liberation is conditional, subject to be ended if he falls again. And, for a time, he is under the eye of authority, and finds confirmation of his good purposes in the checks which its supervision puts upon him, and the apprehension of the evil consequences of a return to crime.

But, more than this, the continuing guardianship is not all repressive and minacious. To the liberated convict it is a protection against the influence of those who would lure him back to vice, and it gives him a shield against many mischiefs and many misconceptions, which would be entailed by his tainted character, if he had not the opportunity of appeal to the officers of justice as to his changed life and renewed trustworthiness. Besides, effort has been made, and made with extraordinary success, to help the prisoner to employment on his discharge. Agriculturists and traders have been sought and found, ready to accept his services. When the system was first established, and for a long time afterwards, there was, of course, unwillingness to do anything of the kind. Those who have never fallen do not like contact with the criminal, and the indisposition to put him in a place of trust is very natural indeed. But some good people were got to try the experiment, and it was found safe and profitable, as it was full of charity. The workmen were as true and as useful as those who had never passed under the dishonouring shadow of the prison wall. And I am assured by Mr. Organ, whose services in this matter have been most praiseworthy and effective, that employers seek voluntarily for convict labourers and artisans, and that the demand for them has often exceeded the supply. In the city and the county of Dublin, very many of them are now actually engaged; they and those who employ them may be seen and interrogated, and it will, I believe, be discovered that their lives afford the most persuasive testimony of the power and the worth of the system, without which, according to all the experience of the past, instead of becoming absorbed in the community, and having a long career of utility and happiness

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opened before them, they would, probably, have left the gaol only to return to it time after time—at each relapse more abandoned and hopeless than before.

The same course of training is applied to female convicts, and with nearly similar results—with results at least as satisfactory. They also run through the several stages of the established discipline which I have described, but its termination is accomplished in institutions which have received the name of Refuges, and to which women, whose good conduct, through the long probationary period, entitles them to special trust and favour, have access towards the end of their prison life. There is a Protestant Refuge in Heytesbury Street, which is sedulously cared for by benevolent ladies, who voluntarily superintend the conduct of its inmates and their matron. We have had strong evidence that it is admirably managed, that situations are obtained without much difficulty for those of the women who have given assurance of true repentance and amendment, and that it has had the best results in the permanent reclamation of very many. The Catholic Refuge at Golden Bridge is under the management of the Sisters of Mercy, and has, of necessity, a much more extensive organization, from the much larger number of Catholic convicts. At the head of it is a lady, whose great administrative ability, and extraordinary power of influencing for good the women committed to her care, are worthy to make fruitful the absolute devotedness with which she spends her life in that mission of mercy. Nothing can be more wise than the arrangements, nothing more effective than the working, of this establishment; and the relations of the religious ladies who control it with the Catholic community throughout Ireland and in various countries, have enabled them to find employment at home or abroad for, I believe, every one of the convicts who have proved worthy of it. Similar efforts, as I have observed, have been made by the ladies who manage the Protestant Refuge, with proportionate success, and the result is, that a very small number indeed of the women who have passed from both—not more, I understand, than four per cent. upon the whole—have again fallen back to their former condition. The value of such refuges is as great as the necessity for them is plain and pressing. It is peculiarly difficult to establish a trustworthy and proper surveillance by the police, or otherwise, over female convicts, after their discharge; and it is of great importance that they should, so far as may be possible, be kept in safe asylums, under the control of persons of their own sex, until they have a fair opportunity of obtaining reputable service or emigrating with advantage. And on the

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whole, I may add, it seems to me, from all the information which has reached me, that, in the majority of such cases, emigration is desirable, when it can be effected.

I might easily dwell far longer on a theme so grateful, but many of my auditors are already familiar with it; and I think that, in the observations I have made, I have indicated to those who are not, the sum and substance of that Irish system to which good men have begun to look with so much hope and confidence. There is no mystery about it—no startling appliance of any novel power. It carries to a further result the doctrines whch have already had their application to some extent in England, and more largely on the Continent of Europe, and in particular instances with special success, under Montesinos and Obermaier, in Bavaria and Spain. It is not my province to judge how far it may be available in other lands—how far it may have had, as I think it has had, some peculiar facilities for fortunate application, from the circumstances of Ireland, and the character of her people—how far there may be difficulties to overcome in applying it to larger prison populations, more deeply steeped in crime. These are questions of weight and importance, on which there may be difference of opinion. I am content to know, that a great good has been done, and a great example afforded—that careful effort, perseveringly pursued, has been found undoubtedly efficacious in the reformation of convicts and the diminution of crime—and that our country has reason to be proud of the achievement, and grateful for the benefits it confers. And I am more than willing to believe, that as "of one blood God formed all the nations of the earth," as we are endowed with the same nature, prompted by the same impulses, and stimulated or controlled by the same affections and desires, there is no good reason for supposing, that the experiment which has been so successful in Ireland should fail in other countries, or that, according to their various circumstances and necessities, they should not be able, most profitably, to apply the principles which have been so well tested here.

I may add that, according to the latest information available to us, the inmates of the Government prisons, who, in 1854, numbered 3,933, are, in the present year, reduced to 1,492;—5,560 convicts having been discharged on license from those prisons between the 1st of January, 1854, and the 1st of January, 1861, and only eighty-nine of the licenses having been revoked, including those of thirty convicts whose conduct had been irregular, but not criminal. These are suggestive figures; and they are entitled to the fullest consideration,

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because the completeness of the police surveillance, and the promptness with which any breach of the conditions of the license in any individual case is noted and punished, give them special accuracy.

I may add that I see no reason to doubt the applicability of the discipline I have been describing to other prisons also, under any difference of conditions which different circumstances, especially as to the length of confinement, may seem to make essential. The reformatory principle, if it be sound and just, will work universally, with most wholesome influence. But the branch of our social arrangements to which it has been applied is new in its character, and necessarily imperfect. Only a little time has passed since men's thoughts were turned to it with any earnestness, and the wonder is, that, in so short a period, so much should have been done. The progress, once begun, will happily continue; and I hope yet to see all the departments of our punitive and reformatory institutions,—the school of the juvenile and the gaol of the adult, the Government prison and the prison of the county,—moulded into one consistent and homogeneous system; its parts mutually sustaining and answering to each other; and the whole animated by the same spirit, aiming at the same objects, and subject, perhaps,—without the loss of the advantages of voluntary aid and effort, where they are available,—to the same central control.

I spoke originally of three great divisions of the subject with which I have been engaged,—the treatment of the young criminal, the treatment of the adult, and that which is equally, for their moral efficiency, the necessary condition and complement of both, the preparation necessary to restore them to society, so that we may not lose the benefit of all the care which has been spent upon them. I have spoken of the first and the second. I have left myself no time to speak to you fully of the third. But it is essential to be carried out in every effective plan of reformatory punishment. In vain will you give the convict, old or young, an improved mind and a chastened heart; in vain will you give him capacity for continuous labour, and a desire to advance himself by worthy means, if, when his prison doors are opened, he finds the world, as it were, in a conspiracy against him, and bent upon his ruin—no one to trust him—no one to meet him kindly—no one to give him the opportunity of earning honest bread! So it has been, too often and too generally; so it is, still. And whilst it is so, what hope is there in many cases of permanent reformation? The willing labourer can get no work to do. The man who yearns to make himself worthy of association

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with his kind is repelled, as if his presence were pestilential. His good purposes are defeated. His hope of redemption vanishes away. If he will live at all, he must live as a criminal;—and he is clutched again by his old associates, and drawn back to the depths of the abyss of sin, from which he had vainly prayed and laboured to emerge. Realize the condition of a convict coming forth at the conclusion of his imprisonment, with the brand upon his brow,—without, it may be, a relative or a friend in the wide world,—without food to eat or the chance of getting it by any honest means,—and you will believe that there is no exaggeration in this miserable picture. And such a picture—of a creature hopeless, helpless, utterly abandoned—driven to outrage the law that he may exist, and to purchase in a prison, by new offences, the shelter which society denies him—has moved in other countries many a kind heart to pity, and the result has been that in France, in Belgium, in Bavaria, and most Continental nations, societies and individuals have determined to watch over prisoners disposed to lead virtuous lives, and afford them an opportunity of doing so. In Bavaria, for example, there is a complete national organization to this end, including a society for every province, and a committee for every district. Six weeks before the discharge of a prisoner, notice of it is given by the governor of the gaol to the district committee, with a full account of his character and habits, the amount of money he may have earned in prison, and the circumstances which may be supposed to justify the extension of assistance to him; and the committee, exercising its discretion as to each individual case, supplies to those who are worthy of it productive occupation, and maintains a watchful supervision over them. In France, the great Association of St. Vincent de Paul numbers this care for prisoners amongst its noblest and most cherished works; and there are *Sociétés de Patronage* in that country which have long laboured, most successfully, for the assistance equally of the young and the adult. In Miss Hill's admirable paper on Mettrai, she informed us that more than 1,500 individuals discharged from that institution actually received the benefit of this assistance, and paid a touching tribute to Paul Louis Verdier, who sacrificed his life in his efforts to bestow it, and whose name is in benediction in many a poor Parisian dwelling.

I am happy to say that, in England also, institutions conceived in a like spirit, and working on like principles, are beginning to spring up. In Birmingham, the Discharged Prisoners' Aid Society has existed since the 1st of July, 1856, with the most beneficial results, attained at the expense of a

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very trifling outlay. The last report of the society I have received through the kindness of Mr. Charles Ratcliff, and it describes a system in many respects most worthy of study and imitation. It states, that the object of the association is neither to maintain discharged prisoners in idleness, nor to furnish them with work by a forced or artificial supply, but to aid them to obtain employment in the ordinary labour market. It speaks of the special disabilities to which I have pointed, precluding such persons from being employed; and it states further, that its plan has acted with entire success, no difficulty having been experienced in finding temporary lodging for prisoners, and little in obtaining employment for those who were willing to work, and that money to a very small amount, wisely distributed amongst hundreds of persons, at an expenditure of about £1 7*s.* 6*d.* for each individual aided, has proved to many of them of the greatest importance in keeping them up until they could find engagements for themselves. The proceedings of this society are very encouraging, as are those of the Prisoners' Aid Society of London, which was mainly, I believe, established through the efforts of Mr. Whitbread. And the statements which the section heard with such pleasure from the Rev. Mr. Fish, as to the complete facility of obtaining employment for the children of the Yorkshire Reformatories, were demonstrative that what has been done so successfully in France may be most hopefully attempted in England.

In Ireland, the progress of the reformatory movement has already originated some partial efforts of this kind. I have spoken of the individual labours of Mr. Organ, which have prospered so remarkably—of the establishment of the inmates of the Heytesbury Refuge in honest service, and of the larger cares of the ladies of Golden Bridge, which have resulted, under God's blessing, in giving blameless lives and happy homes to hundreds of female convicts. But far more is necessary—larger and more permanent arrangements, which shall pervade the country, and supply the means of salvation, temporal and eternal, wherever—and only where—they are truly needed and really desired. The experience of the Continent and of England demonstrates by what a very small expenditure, made judiciously, and in the proper spirit, a vast amount of good may be accomplished in this direction. The State can do the rest. It can establish sound discipline and appoint able governors in the prisons under its control. It can assist and regulate institutions which may be founded by voluntary effort. But, I repeat, both for the child and for the adult, it is essential that benevolence should bend itself to aid authority, and make the reformation of the prison and the

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school rich in real usefulness, by providing for those who have passed through its purifying ordeal a field for industry and an opportunity of progress.

Let no man say that those who are friends of reformatory institutions aspire after an impossible Utopia, or indulge in dreams of the perfectibility of our earthly state, such as deluded many in the generation which went before us. Whilst time lasts, there will be poverty and sin—Society will need to resist its enemies, and subdue them by stringent laws and heavy penalties. None know better than those who labour to improve it, how deceitful and wicked is the human heart. But we do not refuse, because we cannot make our world a Paradise, to strive for its amendment, and though, amongst the young and the old, we may not hope to extinguish crime, which will surge or subside according to circumstances, we are surely bound to do what we can, that its evils may be mitigated and its sphere contracted. We are yet far from the complete development of a well-ordered system, in which punishment shall be moderate, but certain—merciful, but adequate and just,—and aim at its paramount object, the safety of society through the prevention of offences, without forgetting the mighty agency to that good end which is supplied in the reformation of the criminal. But we have made great and cheering progress; the work has been well begun, and it will surely prosper. Meanwhile, we may address to those who can help it forward, in any of its departments, the words of one of the great sages of our law, who longed for reforms which the revolution of centuries, since his day, has failed fully to accomplish—"The consideration of preventing justice were worthy of the wisdom of Parliament; and, in the meantime, expert and wise men to make preparation for the same. As the text saith—'*ut benedicat eis Dominus.*' Blessed shall he be that layeth the first stone of the building, more blessed that proceeds with it, most of all that finisheth it, to the glory of God and the honour of our Queen and nation!"

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ADDRESS

BY

LORD TALBOT DE MALAHIDE,

ON PUBLIC HEALTH.

MANY individuals of high scientific attainments have affected ignorance of what is the meaning of Social Science. If the eloquent address of our venerable President has left anything to explain on this head, the sceptic can be referred to the importance and relevancy of the great questions discussed before our sections. It is only to be wondered at that such questions were not long since subjected to the crucible of free discussion, as practised in this society. Although I never before took a prominent part in the proceedings of this Association, I have long watched them with interest, and should feel degraded in my own estimation if I did not sympathize with them, and despise the sneers and attacks to which they have been exposed. But they have nothing to fear from the unprincipled demagogues, whose delight and vocation it is to hound on one class against another, to set the poor against the rich, the workman against the employer, the manufacturer against the agriculturist. Their greatest danger is from their own friends,—from those who, by their crude and impracticable suggestions, throw ridicule upon us, and impede our efforts for the regeneration of the country. The social reformer's aim, as I understand it, is to reconcile, instead of exasperating, the different classes,—to show that their real interests are never truly opposed to each other,—to point out the value of those improvements which can be carried out, without injury to any class, at the expense of the capitalist for the benefit of the pauper, and which are sure to prove in the end equally advantageous to both. They work out the details

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of public measures which are only in embryo, and prepare the public mind for enterprises which the short-sighted economist denounces as injurious to the pockets, or the blind bigot as opposed to the feelings of some small portion of the community. In fact, one of their principal objects is to strengthen the hands of a liberal Government,—I use this expression without reference to party,—a Government which is thoroughly well disposed, but dares not advance at a greater pace than its influential supporters approve. The sanitary question over which I have been requested to preside is a most extensive one, and exceedingly difficult to define. I fear that, with all our respect for the rights of our neighbours, Dr. Longfield will have the right to complain that to a considerable extent we have poached upon his manor, and I believe it was inevitable. Our highest object is to have a *mens sana in corpore sano*, and it is impossible that the conduct of individuals and their mode of life should not come into discussion when they so much affect our physical well-being. In many respects our objects are to repair the evils or abuses of civilization. As we are more able to call in the aids of science and accumulated experience to cure our ailments, we are, on the other hand, liable to many a disease that the savage never dreams of. Who ever heard of a savage suffering from gout or softening of the brain? The savage rarely brings on himself epidemics by the want of ventilation, or by the overcrowding of his village of wigwams. The savage does not condescend to drink bad water if he can avoid it. He does not bring the stream to him, but he goes to the stream. I wish I could throw over this dry subject some of the charms with which many of our contributors have adorned the favourite branches of their inquiry. I have listened to the brilliant and truly judicious remarks of some of our lady associates, both in my own section and in other sections, with intense admiration. The practical sound sense, benevolent feeling, and the earnest and fervent eloquence with which their suggestions abounded, must have produced a deep and lasting impression on all their hearers. It is the proud boast of our Association to have secured the co-operation of such recruits. Their assistance cannot fail to smother the irritation of contending theorists, to allay the bitterness of sectarian controversy and ill-judged zeal, and it will be a great epoch in the history of our city, and gratefully to be remembered, if the effort to establish a powerful combined Ladies' Visiting Association for improving the dwellings and sanitary habits of the Irish poor, irrespective of party contentions, meets with the success it deserves.

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We have had a most valuable paper from Mr. Chadwick, the highest living authority, on the drainage of towns. There cannot be a more important sanitary problem than that involved in this question, coupled with the proper application of the sewage, which I trust we shall see directed to increase the wealth and agricultural produce of the country. I shall be ashamed of our distinguished civil engineers if they do not solve this difficult question in our time. I will not enlarge on the importance of securing an abundant supply of wholesome water, or the advantage of street fountains in Dublin and other large towns. There is no dispute as to the advantage of obtaining these objects, but unfortunately, there is so much difference of opinion on the details that we had better eschew the subject.

I urge you to discuss the proper mode of regulating the poison trade. You might take into consideration the question: Whether it is not time that something should be done to have an educated and responsible class of druggists? The time for palliatives is gone, and the uselessness of our present expedients is shown by the continued recurrence of poisoning in our public prints.

This is, I believe, the only country in the world where any individual can retail, without let or hindrance, the most dangerous poisons. To a simple person it does not appear unreasonable that an educational test should be imposed on all such traders; indeed, it is the only safe precaution which can be adopted against accident or crime. If all English druggists belonged to the Pharmaceutical Chemists' Association, and confined themselves strictly within the limits of their business, there would be comparatively no danger; and I trust that the Irish apothecaries will not attempt to follow their English brethren, deserting their proper functions, and leaving the public at the mercy of any unprincipled and uneducated person who chooses to sell poisonous drugs. However much we may admire free trade, do you think we ought to have a free trade in poison?

The question of quarantine has always been a most important and interesting one, but it has of late attracted more than usual attention, both in this country and America. There have been several international conferences on the subject at Paris, in the years 1851-52, and there have been conventions at New York in 1857, and at Boston in 1860. All seems to show that great doubts exist as to the contagious nature of plague, yellow fever, cholera, &c. Miss Nightingale, no mean authority, in her essay, read at this Association, strongly supports the same view. The idea of these diseases

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being propagated by *fomites* or inanimate substances is very improbable. It is said that there is no well-authenticated instance of the plague having been given by bales of cotton or by the clothes of a deceased person. On the other hand, the quarantine, although directed against all contagious diseases, never succeeded in keeping out small-pox and other cutaneous disorders. We also know that it has been found impossible to prevent smugglers from carrying on their trade, in spite of sanitary regulations. One very important fact I see mentioned in one of the scientific journals,—that when the *Eclair* arrived at Portsmouth after losing half her crew from yellow fever, the surviving medical officers urged the immediate landing of the crew, as the only means of arresting the terrible ravages of death. Sir J. Richardson, the physician of Haslar Hospital, expressed his readiness to receive them into the wards of that noble institution,—an advice that was cordially supported by Sir W. Burnett. Had this step been taken, which proved so efficacious at Carthagena, much distress would have been spared, a heavy expense avoided, and, what is of far greater consequence, several valuable lives would have been saved; but, unhappily, the fears of our quarantine authorities prevailed over their judgment. We await a valuable report on this subject from a distinguished member of our Association, Dr. Milroy.

The amelioration of the dwellings of the town and country population belongs more to social economy, but, as it has attracted so much attention in our section, it may be well to give a short statement of the steps which are being taken in this country to improve their construction and sanitary condition. Sir William Somerville has exerted himself to obtain two Acts of Parliament for carrying out this object, particularly in the case of settled and incumbered estates. His last Act, for obtaining loans from the Exchequer Commissioners for this purpose, places the superintendence of these erections under the Board of Works, who have lately framed some excellent plans and estimates. These measures were necessary for the purpose of clearing away some of the great difficulties which beset the question. Of course the state of the peasantry, although much improved within the last ten years by the joint influence of emigration and higher wages, is far from satisfactory, but it varies in different parts of the country. The Royal Agricultural Society of Ireland has offered four gold medals for the erection of the greatest number of newly-built labourers' cottages within each province, the same number of gold medals for improved cottages in each province, a gold medal for the greatest number of newly-erected cottages in

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each county, a silver medal for the greatest number of newly-erected cottages within the district of each local society, and one for the greatest number of improved cottages within each local society. Besides this, there is the Leinster Challenge Cup for the person who shall have erected, during the year, the greatest number of approved labourers' cottages in any part of Ireland. The conditions for the erection of new cottages in most respects follow the requirements of Sir William Somerville's Acts. It cannot be said that our Royal Agricultural Society has, in this respect, been behind the spirit of the age. In erecting cottages, there are many points which require consideration. 1. They must not be too expensive; for in so great a work it is advisable to make the outlay as nearly reproductive as possible, and unless this is done, it will not be in the power of a large number of landowners, however well disposed, to co-operate as they would wish. 2. They must not be too large. If they are so, instead of improving the condition of the inmates, you tempt them to take in lodgers and make them over-crowded. For a married couple, without children, two rooms are sufficient, with the necessary offices. If they have children of both sexes three are absolutely necessary. 3. They should all have, where it is practicable, a garden,—not a large one, or more than a rood. This will enable them to be self-supporting, and be a great source of comfort to the inhabitants. I believe that most influential landowners in Ireland are doing something in the way of improvement. Lords Digby and Clermont, the Marquis of Lansdowne, the Earl of Clancarty, George A. Boyd, and, above all, Mr. Napier, at Larchrew, have led the way, but it must be some years before we can put ourselves on a level with our fellow-countrymen of Great Britain. With the erection of some respectable dwellings, sanitary measures must go hand-in-hand, and I have no doubt that visiting committees, if they steer clear of proselytism, will be able to work extensive good; above all, if the clergy of all denominations enter warmly into the good work, the benefit will be rapid and incalculable. The subject of the dwellings of the poor in the city of Dublin has long attracted the attention of some public-spirited individuals. Sir Edward Borough for many years has devoted himself to the improvement of the sanitary state of the Irish metropolis, and mainly owing to his exertions, some excellent model lodging-houses have been opened for the accommodation of respectable artisans.

With reference to teetotalism, I must confess that, highly as I estimate the virtue of temperance, I cannot agree with those who would confine us to the use of Adam's wine. We have it on high authority that wine was given to make glad the heart of

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man; and, if used in moderation, there can be no question of its being wholesome and beneficial to the human constitution. There is also high archæological evidence in its favour. It appears to have been imported into this country from the earliest periods, and it is recorded that Shane O'Neill had ordinarily 200 tuns of wine in his cellars at Dundrum Castle. It is a curious question to determine when ardent spirits were first manufactured in Ireland. Brandy, or *aqua vitæ*, appears to have existed from the oldest records; and in the "Red Book of Ossory" there is an accurate description of the process of distilling brandy from wine. This was probably confined to ecclesiastics. Brewing from malt, also, is of the greatest antiquity in Ireland, being mentioned in the Brehon Laws. The earliest mention of the use of *aqua vitæ* in the Irish annals is in the case of Richard Magranell, chieftain of Monteorolas, who died A.D. 1405, at Christmas, of a surfeit of *aqua vitæ*. McGeoghegan, who records the circumstance, adds:—"It was not *aqua vitæ* to him, but *aqua mortis*." We all remember the great movement promoted by the excellent Father Mathew; and, although its effects were not as permanent as we could wish, there is no doubt that it made a great improvement in the habits of our peasantry. It may have deprived some of our countrymen of their native hilarity and jocularity, but we may be consoled for this loss in some degree if the force of public opinion was brought to bear upon the classes most exposed to this vice; if the female population was weaned from the degradation consequent upon it; if better clothing and more provident habits were gradually introduced. The mere substitution of beer or light wine for the more powerful stimulants would be much to be desired; and although we cannot agree with the proposals of those gentlemen who insist upon its being the duty of the classes who seldom indulge in excessive drinking to be total abstainers for the benefit of their example to others, great good will doubtless arise from the discussion of this question. It must, however, be kept clear from all other sanitary measures, so that no difference of opinion can possibly exist. The question of a permissive law for the prohibition of the sale of alcoholic liquors, comes more properly under the Department of Jurisprudence.

There is no question of greater importance to the country than the state of our seafaring population. Whilst so much has been done for the army, it is sad to think that so little has been thought of in favour of our gallant naval defenders. It appears from Dr. M'Williams' communication that the rate of mortality among the merchant seamen is double that of the general male portion of the community.

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The subject of hospitals could not fail to attract our attention. As I have latterly been tolerably conversant with these inquiries, I must call your notice to the question of special hospitals, their use, and their expense; whether fever cases should be treated in separate hospitals or separate wards, or mixed amongst the other medical cases, as is generally the case in England. It is also very important whether the candidates for public employment should be expected to pass a certain portion of their time in the close study of fever, of eye diseases, and of other affections. What means should be adopted to stay the ravages, and, if possible, produce the eradication of the small-pox. The fever question is a most important one, and in order to throw some light upon it I have got prepared a table giving the number of patients admitted within the last ten years in the Dublin fever hospitals. It is highly satisfactory, as it shows a diminution of numbers from 4,394 in 1851 to 2,848 in 1860, and a diminished rate of mortality, from 1 in 68 to 1 in 105. It also affords most conclusive evidence of the improved condition of the Irish poor, as fever, unfortunately, has hitherto been the sure companion of starvation and destitution. In the ten years ended December, 1860, 37,934 patients affected with febrile diseases were admitted into the Cork Street Fever Hospital, the Hardwicke Fever Hospital, and the fever wards of the Meath Hospital. The annual admissions and mortality, and the proportions of fever cases to the population of Dublin, are as follows:—

Year.	Number admitted.	Number died.	Mortality per cent. on the Number admitted.	
			* Proportion to the Population.	
1851	4,394	278	6·33	1 to 68
1852	4,486	434	9·67	1 to 66
1853	3,815	300	7·86	1 to 78
1854	4,396	385	8·75	1 to 68
1855	4,492	362	8·6	1 to 67
1856	3,721	266	7·15	1 to 80
1857	3,534	268	7·58	1 to 85
1858	3,108	229	7·35	1 to 96
1859	3,466	226	6·50	1 to 80
1860	2,848	196	6·95	1 to 105

The question of compulsory vaccination is most worthy of your consideration. It appears to me the only means of averting this disease, and I was in hopes to have got a table to show the great prevalence of the small-pox in this country. I have not been able to procure sufficiently detailed returns for

* Assuming it to be 300,000.

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more than two years, but I am glad to find that a gentleman so competent as Mr. Denis Phelan is about to give us a valuable paper on the subject.

From the statistical report of the health of the army, in 1859, there appears a remarkable reduction in the amount of mortality in all classes of troops; indeed, except in the depôt battalions, it is little above that of the civil population in the healthiest districts in England. The Foot Guards can scarcely be held as on an equality, in a sanitary point of view, with the inhabitants of such districts, being quartered chiefly in London, and with some of their barracks in the most densely peopled quarters; but even among them the mortality is lower than among the male population, at the same ages, throughout England and Wales. Tubercular diseases have been the cause of more deaths than any other class—but there is a decided reduction in their prevalence, as compared with former periods. This is most marked in both Foot Guards and Infantry Regiments, though even in the Household Cavalry, and Dragoon Guards, and Dragoons, the loss by them is very little over half the former average. Delirium tremens is less prevalent in the Foot Guards, and is attributed rather to their ordinary drink being beer, than to any remarkable habits of temperance. The Household Cavalry, Royal Engineers, and Depôt Battalions, considerably exceed the average. In 1858 a departmental order was issued, that in future every recruit should, on joining his regiment, be vaccinated, even if he should be found to have marks of small-pox or of previous vaccination, and a monthly return be forwarded to the Director-General. Also a number of soldiers, in whom the marks of vaccination were not deemed satisfactory, were vaccinated, and the results kept separate from those of the recruits. The results are as follows:—

	Previously Vaccinated.	Result.	Per 1000.
Soldiers	... 4,403 ...	A perfect vaccine pustule	413·13
		A modified do.	201·23
		A failure in	385·64
			1,000·00
Recruits	... 21,686 ...	A perfect pustule ...	398·37
		Modified do.	217·33
		A failure in	384·30

Comparing these returns with those published by Mr. Simon, with respect to the Wirtemberg, Bavarian, and Prussian armies, they would appear to be—

	No. of Re-vaccinations.	Successful.	Nondefined.	Failures.
Wirtemberg ...	714,384	340·2	248·3	411·5
Bavarian	46,023	347·3	220·6	432·0
Prussian (1836-40)	216,426	456·3	215·0	328·7

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Mr. Simon mentions, as deductions from the preceding facts, that it is impossible to argue that all who on re-vaccination yielded perfect vaccine vesicles would, on ordinary exposure to small-pox infection, have become infected with small-pox. On the other hand, there would be little reason to doubt that they would have been distinctly the endangered class. Not that all, or nearly all of them, would have suffered, but that from among them, more than from any other vaccinated persons, the occasional sufferers from small-pox would have come. From 1843 re-vaccination has been compulsory in the Bavarian army, and from that to the present time we are told not a single death by small-pox, nor even a single case of unmodified small-pox, has occurred in that population. For the last twenty-one years, re-vaccination has been general in the Danish army, and for the last thirteen years in the Danish navy, and these two populations we are informed have almost entirely escaped contagion during several epidemics of small-pox. The practice of Sweden has been similar and its results also satisfactory.

By the report of the Royal Commission on the sanitary state of the army, it was shown that the average was subject to an excess of mortality over and above that prevailing among males in civil life. The annual deaths among all arms of the service on home stations was shown to be 17·5 per 1000 per annum, as against 9·2 per 1000, which represents the annual deaths among the males of the same ages, taken over the town and country population of England and Wales. An analysis of the diseases which had led to this high rate of mortality demonstrated that the excess of deaths was due almost entirely to zymotic diseases, such as fevers, cholera, diarrhœa, and to chest and tubercular diseases, such as consumption, &c. Almost the entire mortality among the infantry of the line was found to have arisen among these two classes of diseases, and for each class, the mortality among the infantry was shown to be more than double what it is among the males of the same age in civil life. Lord Dalhousie, in consequence of this report, issued another Commission, consisting of Messrs. Sutherland, W. H. Burrell, and Douglas Galton, to inquire more particularly into the state of each barrack and hospital, and for devising means for removing any defect injurious to health, which came under their notice. Their report is a most valuable one. It enters into great detail with respect to every barrack and hospital, and also gives their views on the general sanitary principles to be observed in the construction, ventilation, and maintenance of these establishments; on the best mode of warming them, on the state of water supply, rations, ablution and bath accom-

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modation, wash-houses, latrines, accommodation for married non-commissioned officers and soldiers, workshops, libraries, school, dining-rooms, &c., and particularly into the cubic space required for each man in a barrack or hospital. We shall chiefly confine ourselves to the general principles enumerated in this report. It is a remarkable fact that troops encamped in the open air often enjoy much better health than when they are confined in warm barracks. For instance, it is proved that the average annual mortality of our armies previous to 1853 was 17·5 per 1000 per annum, while the mortality at Aldershot and Shornecliffe for three years ending December 31, 1859, has been only 4·7 per 1000 per annum. This is not surprising, when we consider the sanitary condition of many of the towns in which barracks are situated. Portsmouth, Sheerness, Chatham, Galway, and many others, are in a most unsatisfactory condition. Some of the best barracks are those recently constructed in Ireland.

The Commissioners mention, as particularly worthy of approval, the barracks at Parsonstown, at Naas, at Dundalk, at Templemore, and at Beggars' Bush. Some of the worst are the Fermoy barracks, the Ship Street barracks, in this city, and the Linen Hall barracks. The Royal barracks are also mentioned with disapproval, for want of healthful construction and arrangement. Casemates are decidedly condemned. Those at Dover are pronounced to be not fit for ordinary occupation. On emergency during a siege, they might probably save life. At other times they are rather calculated to destroy life by producing sickness. The Commissioners state that their experience has led them to be of opinion that the air in barrack-rooms can be kept sufficiently pure with about 600 cubic feet per man, provided the local position of the barrack be open and airy, the structure of the buildings simple, and admitting of free external and internal movement of the atmosphere, and provided the barrack-rooms, as well as all other internal parts of the buildings, are duly ventilated. To show how far this is from being the case at present, it appears, from tables appended to the report, that there are 1,335 men living and sleeping in rooms with less than 250 cubic feet per man; that there are 15,195 men with less than 350 cubic feet per man of sleeping space; that 34,882 men have less than 400 cubic feet per man; that 65,271 have less than 500 feet per man; and that out of the whole force for which there is permanent accommodation, nearly 76,813 men, there are only 4,656 men with sleeping room exceeding 550 cubic feet each. There are 2,003 men whose allowance of space exceed 600 cubic feet. The deficiency of barrack accommodation amounts to thirty-two per cent., so

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it would be necessary to add about a third to the permanent barrack accommodation per man to be given. When the carbonic acid amounts to one-half per cent. it cannot be breathed for any length of time with impunity. An adult man produces, according to the late Dr. Thompson's estimate, 40,000 cubic feet in twenty-four hours, or about a cubic foot of carbonic acid per hour, and hence in a close barrack-room, allowing, as is not unfrequently the case, no more than 300 cubic feet per man, this dangerous condition of the air would be produced in an hour and a-half, if there were no means of renewing the gas by diffusion or dilution in a mass of fresh air. The lungs and skin of an adult man exhale about three pints of fluid every twenty-four hours, all of which, in a confined space, go to increase the humidity of the air. The animal matter held in solution by this exhaled fluid enters very readily into putrefaction after it is excreted from the body, and hence the moisture becomes an outlet for a subtle aerial poison, which, when breathed for a sufficient length of time, poisons the blood through the lungs, and so predisposes to disease. In unventilated barrack-rooms, as well as unventilated living rooms and workshops, where a number of people are crowded together, the effects are produced more slowly on account of the larger amount of space. The blood becomes gradually diseased, of which result blanching and loss of general vigour are the first and most common effects, indicating a slow but steady undermining of the constitution. Scarlet fever, fever, and small-pox are generated, but more commonly the respiratory function itself becomes diseased, as well as the functions of the skin, giving rise to great susceptibility to colds and catarrh from slight exposure, and, finally, to pulmonary consumption.

Moreover, during epidemic seasons, typhus, diarrhœa, or pyæmia, are very liable to break out among the inmates of crowded, unventilated rooms, the whole process being the result of unsuspected aerial poisoning. They report that rooms in the new part of Island Bridge barrack, some rooms in Ship Street barrack, and also a few rooms in Beggars' Bush barrack —all in the city of Dublin—are the only barrack-rooms in the United Kingdom where there was any recognition of the true principles of ventilation. One of the greatest obstacles to ventilation arises from the wasteful construction of the fire-grates; improvements in warming must go hand-in-hand with ventilation. The Commissioners recommend the following principles to be adopted for ventilating barracks:—1. Ventilating each room independently of any other room. 2. Providing each room with a shaft passing from the ceiling of the room up through the roof. 3. Closing up all inlets near the floor where

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posts have rested, and placing the inlets for air close to the ceiling, so constructed as to secure the diffusion of the inflowing current. 4. Remodelling the barrack-room grates, and providing a chamber behind for heating fresh air drawn from without, to be introduced warm above the level of the men's heads. 5. Ventilating all passages, staircases, and corridors by shafts over perforated pores independently of the rooms. 6. Providing as nearly as possible 1,200 cubic feet of fresh air per man in a room space of 600 cubic feet for men. One of the most difficult questions seems to be the best mode of cooking. They disapprove of all the new apparatuses which have been submitted to them for various reasons, principally the expense, and recommend certain alterations in the boilers in common use, so as to enable them to be effective for boiling and stewing. They also suggest alterations in the barrack-ovens, so as to be able to roast; and are of opinion that by these reforms they will be able to save from two-thirds to three-fourths of the fuel at present consumed. They also strongly recommend a change in the mode of appointing regimental cooks, and it is announced that the Minister of War has sanctioned the establishment at Aldershott of a school for the practical instruction of regimental and hospital cooks. Great improvements are suggested in the wash-houses, particularly the introduction of drying closets.

Proceeding to the hospitals, the Commissioners report most unfavourably on them, on account of their over-crowding, bad ventilation, and general deficiency in sanitary arrangements. It appears from a table appended to the report that out of the entire number of 7,167 beds appropriated to sick soldiers, there are only 264 that have anything like a proper amount of space appropriated to them. The numbers stand thus:—362, under 400 cubic feet; 959, 400, and under 500; 820, 500, under 600; 1,927, 600, and under 700; 1,707, 700, and under 800; 705, 800, and under 900; 423, 900, and under 1000; 240, 1000, and under 1,100; 18, 1,100 and under 1,200; 6 over 1,200 cubic feet. The present hospital system has, however, the great sanitary advantage of subdivision of the sick among a number of separate buildings. Two or three of the large hospitals have their sick subdivided among separate pavilions, and at present the only two occupied hospitals of any size in which a considerable number of sick are congregated under one roof, are Woolwich Hospital, which has 470 beds, and Chatham Garrison Hospital, with 332 beds. If Netley Hospital, they observe, should have its original destination changed from being a resort for invalids, three-fourths of whom would be able to walk about, to that of a general hospital for sick most of whom would be confined to

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bed, it would have 1000 such beds under two roofs, 500 under each, and in that case it would present the largest aggregation of sick under a single roof of any hospital built in modern times.

The reason why large hospitals are dangerous to their inmates is simply that it is extremely difficult, if not practically impossible, to preserve that degree of purity in the air around the sick which is essential to speedy recovery. In a large complicated building the air is sluggish in its movements at all times. It is at the best of times charged more or less injuriously with miasma from the sick. What is called an hospital atmosphere, or an infected atmosphere, is very apt to be generated; and in still weather the air of a large hospital may become absolutely pestilential. It is at such times that malignant fevers, erysipelas, pyæmia, hospital gangrene, and the usual tribe of hospital diseases, are apt to appear. Every slight neglect of cleanliness, any foul air from nuisances outside, from sewers, or from other similar sources of atmospheric impurity, become of serious importance to the state of the atmosphere in the building. Great attention to ventilation, and observance of cubic space for each bed, are among the most obvious means of diminishing the evils of a large agglomeration of sick under one roof; but the best way to prevent these evils altogether is to subdivide the sick.

I have quoted this long extract from the report, more especially with a view to the question whether it is desirable that the Dublin hospitals should be more concentrated, according to the views of some high authorities. According to this statement, there is a deficiency of 42½ per cent. in hospital space.

The same improvements in hospitals are suggested as in barracks, only allowing a greater space. I shall not consider these in detail, but give a short summary of the principles recommended for the construction of permanent hospitals. In the first place, the site selected should be porous and dry, and should not receive the drainage of any higher ground. Clay and retentive soils should, as far as possible, be avoided. They had also be better removed from the immediate vicinity of large towns, as the town air is not pure enough for sick in hospital, and it is not possible to prevent it from being made more impure than it is by encroachments of the population and nuisances incident thereto. The hospital buildings should also be isolated to a sufficient distance from the boundary wall, to insure a free circulation of air round them. In all ordinary cases the interval should be no less than three or four times the height of the hospital. According to the new medical regulations, 1,200 cubic feet is the datum allowed per bed in

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temperate climates, and 1,500 in hot climates. The Commissioners propose allowing to each bed a space of twelve feet one way, and seven feet three inches the other way, and fourteen feet for the height of the ward; thus making out 1,218 cubic feet. The number of windows should be equal to half the number of beds. The wall space between every two windows should be nine feet. The windows should extend from within two feet six inches or three feet from the floor to within one foot of the ceiling. In tropical hospitals the breadth would be twenty-five feet, the height fifteen, and the space per bed, along the walls, eight feet.

In every hospital ward there should be direct communication with the outer air, on the two opposite sides, by a double line of windows. Every ward requires for itself a nurse's room, a ward scullery, water-closets, a bath-room, and an ablution-room. In addition to the wards with their appurtenances, a well-appointed hospital should contain the administrators' offices, viz., a surgery, a waiting-room, officers' quarters, kitchen, scullery, stores, wash-house, dead-house, out-door latrines. But the administrative offices should be quite apart from the wards. Under one roof there should be nothing but sick and what is absolutely necessary for their treatment, nursing, and discipline. Everything else should be in another building. The number of sick in one hospital should not exceed 100 under one roof. Regimental hospitals may be constructed on one flat or two flats, but never more than two. This is a defect in the French hospitals. The block plan of the Yarmouth Naval Hospital is thoroughly recommended. There should also be convalescent wards. I am surprised to find that they do not dwell so much as Miss Nightingale does on the importance of sun and light for the recovery of invalids.

With respect to hospital attendance, I shall merely observe that the Commissioners state that in a properly constructed hospital a nurse could take charge of sixty beds on one floor. There are some suggestions with respect to temporary hospitals, and here they remark:—"Better place the sick anywhere almost than in buildings imperfectly drained, or without drainage, or without sufficient means of external ventilation. The same principles apply to huts; indeed, whether we consider barracks or hospitals, there is no difference of principle, only they require to be more rigidly and extensively enforced."

In reading these observations it will occur to every one that they entirely coincide with the opinions of our gifted and self-sacrificing friend, Florence Nightingale, to whom the British army and the cause of humanity owe so much. It is satisfactory to find that, although unfortunately she cannot be with us

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in person, she has sent us a most valuable paper on hospital statistics,—a paper full of original matter arranged with clearness, and the outpourings of an earnest heart.

I cannot conclude without adverting to the great loss we have sustained by the death of the late Lord Herbert of Lea, who was for many years one of the brightest ornaments of the House of Commons, and would, doubtless, have added lustre to the august assembly which he joined, alas! so short a time before his decease. He fell a victim to his unceasing labour for the good of the empire—an accomplished orator, an indefatigable man of business, and utterly devoid of any political rancour. To him we owe the valuable report of the sanitary state of the army which has led to so searching an inquiry and to the great improvements which are in progress. He was, in the true sense of the word, a "Social Reformer," and free from the influence of party strife, most energetically promoted the improvement of his tenantry, and supported every movement which tends to raise the character of man, not by dragging down the upper classes to the level of the lower, but by raising all physically and morally as religious and intellectual beings. Peace to his ashes! and few of us can look forward to a more enviable retirement from this brief and turbulent scene. Let us follow his noble example.

We have all heard the spirit-stirring appeal of the Attorney-General in favour of our repentant criminals, and we shall all be ready to extend a friendly hand to the outcast who is disposed to return to the bosom of society. However, whilst we welcome the prodigal child, we must not altogether forget those who have laboured during the heat of the day. The great problem of our times is to secure the guiltless, honest, and industrious workman sufficient employment, and a healthy and comfortable home, as the stronghold of his virtue, his safeguard against temptation to crime.

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ADDRESS

BY

THE HON. JUDGE LONGFIELD,

ON SOCIAL ECONOMY.

YOU will be gratified to learn that circumstances, in themselves of an agreeable nature, have determined me to omit a considerable part of the address which I felt it my duty to prepare, when I was named President of the Department of Social Economy. I then deemed it my duty to enter into some defence of the objects and principles of the much-maligned science of political economy. I had been accustomed to see it tried on very frivolous charges, and condemned on very slender evidence. But it is no longer on its trial; it has not been merely acquitted, but promoted to favour and honour, and has been patronized by the noblest, the most highly-gifted, and the fairest of the land. I had also prepared a few observations on the manner in which the investigations of economic science could be most efficiently conducted. But the late period of the Congress at which it has fallen to my lot to address you, would make those observations useless, and therefore improper now; and I may add that the judgment with which the various subjects of discussion were brought forward has proved that my observations would have been unnecessary. Few topics of interest were omitted. The relations between the labourer and his employer, the causes which regulate the wages and duration of labour, and the nature of strikes and trades' unions, were discussed with much animation. The great majority of the speakers took the part of the working men.

I do not presume to offer an opinion on the merits of the respective arguments; but the circumstance appeared worthy of notice, as affording some proof that when the working man abstains from violence, and trusts to reason, his arguments will meet, not only an impartial, but a most favourable consideration.

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Another most interesting subject—how to provide employment for women, and especially for educated women—was brought before this Department, with great ability, by two English ladies. The evils of the factory system, which draws women away from their proper places as mothers, wives, sisters, and daughters, were explained with clearness, and some valuable suggestions were made. Those ladies have done much already; and I feel the more confident of their success, because they themselves were not too confident, but appreciated the difficulties no less than the importance of the beneficent task in which they were engaged.

But I must not dwell longer on the matters which have been brought before this Department, and as many strangers are now visiting this country, and feeling an interest in its prosperity, I shall venture to make some remarks on the present and the past condition of Ireland. I shall not, however, go farther back than a quarter of a century. I shall state shortly the area, health, population, and condition of the labourer.

In 1841 the area of Ireland was, in round numbers, 20,800,000 acres statute measure. Of this, about 630,000 acres were covered with water by lakes or rivers; about 6,300,000 acres were waste or uncultivated, and there were 13,464,301 acres of arable land. About one-half of the waste land was capable of being reclaimed by enclosing, embanking, draining, removal of stones, and other agricultural improvements. But, in 1860, we find that the arable land of Ireland has increased to 15,400,000 acres, being an addition of nearly two million acres, or about 14 per cent. to the arable land of Ireland. The statistics of Irish agriculture are collected every year with great care, under Government superintendence. You may find an admirable summary of the results in "Thom's Almanac," from which I have borrowed largely on the present occasion. While the quantity of arable land has been increased, the quality has been very much improved within the same period. Drainage improvements have been carried on with great vigour, not as formerly, for the purpose of reclaiming marshes or swamps, (when its results would appear in the statistics of increased arable land,) but with the object of adding to the value of land already good. In the latter case the results are frequently more valuable than when an addition is made to the breadth of the arable land in the country. It is well known that the disadvantage of the Irish climate, as compared with that of England, consists in its greater humidity and coldness; and if drains are useful in England they are doubly so in Ireland, to draw off the superfluous moisture, and to add warmth to the

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soil. A sum of £2,000,000 was placed by Act of Parliament at the disposal of the Board of Works, to be lent to landed proprietors on very reasonable terms, to be laid out in the improvement of their estates. Of this sum, it appears by its last report, it has already lent about £1,500,000, of which £940,000 has been laid out in drainage. With this 194,000 acres have been drained, at an average expense of £4 17*s.* per acre.

It is, undoubtedly, a violation of the soundest principles of political economy for the State to lend money for the encouragement of any industrial pursuit. The measure was, however, justifiable by the emergency, when it was first introduced, and it might be considered as only a set-off against the bad laws which prevented the application of capital to the improvement of land. The figures which I have read to you prove how little Irish prosperity is dependent upon such assistance from the State.

You have, probably, remarked that while, with State assistance, the Irish drained 200,000 acres, during the same period, and without much assistance, they converted 2,000,000 waste into arable land—this relation of ten to one in this case expressing the proportion that exists between that which the State can assist the people to do, and that which they can do by their own exertions. In the meantime the capital employed in farming has increased in a remarkable degree. An annual report is made by the constabulary of the agricultural produce of every district. The live stock is valued at the same rate per head every year, viz., horses and mules at £8; black cattle, £6 10*s.*; sheep, £1 2*s.*; pigs, £1 5*s.*, and so on in proportion. From these returns it would appear that the total value of the live stock in Ireland in 1841 was £21,105,808; in 1851 it was £27,737,395; in 1860 it was £33,839,899, being an increase of upwards of 50 per cent. in twenty years. The increase in value is even more than the returns show, for the average value of each animal is much greater now than it was then. So far as this increased value was caused by a rise consequent upon the gold discoveries, I should consider it as of no moment, but there has also been a great increase in value owing to the improved quality of the cattle, and the greater attention paid to their selection and their food. It is in this direction, not in the mere numbers, that we are to look for further improvement, for there must be a limit to the live stock that can be judiciously placed upon a farm. There is still room for the profitable employment of many millions of capital in agriculture, in drains, farm buildings, and agricultural machinery.

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It is not alone in agriculture that the wealth of Ireland has increased. I find proofs of the same advance in every quarter. The amount of Government Stock transferred from England to Ireland in excess of that transferred from Ireland to England for the ten years ending March, 1860, amounts in round numbers to £2,380,000, indicating to that extent an increase in the wealth of the Irish people. There is no separate national debt for England and Ireland, but the dividends are paid and the accounts kept at the Bank of Ireland or the Bank of England, according to the pleasure of the holders of the stock, which may be readily transferred from one country to the other without any expense.

The increase of stock held in Ireland during the preceding ten years is even more remarkable, being more than five millions; and as the stock now in the books of the Bank of Ireland is not much more than forty millions, the above accounts show an increase of 25 per cent. in the amount of stock held by Irish fund-holders, an increase out of all proportion to any increase which the national debt itself has received during the same period. I find that the number of fund-holders has increased even in a greater proportion than the amount of the stock. This number increased between the years 1850 and 1860 from 22,400 to 25,600, being an increase of 3,200 in ten years, or 17 per cent. in the former number: showing that the stock is not merely larger in amount, but is also more divided among the people, reducing the average amount held by each person from £1,700 to £1,600. The reduction in the average amount held by each individual is probably even greater than the above rate, which is about 6 per cent., for about £3,000,000 of the stock is held by sixty proprietors, chiefly representing public bodies, and in those no change of moment has taken place during the last ten years.

The diminution in the rate at which stock has flowed from England to Ireland during the last ten years does not prove that capital is now increasing more slowly in this country than it did during the former decennial period, as we find that capital in search of investment has been lately directed into another and a more profitable channel. During the latter period 800 miles of railway have been constructed in Ireland, at an expense of £11,000,000. On these new lines it may be observed that, although, of course, the best lines were those that were earliest seized upon and made, yet the increased prosperity of the country, and the effect of the branches in developing the traffic of the trunk lines, has been such that the traffic has increased in a greater proportion than the mile-

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age. In 1850 it was £996 per mile; it is now £1,025, the increase being at the rate of 2½ per cent.

The total sum expended in the construction of Irish railways is £19,000,000, or nearly half the amount invested in the funds by Irish proprietors. Of this sum £12,000,000 has been raised by the issue of ordinary shares; the remaining sum of £7,000,000 has been raised in nearly equal amounts by the issue of preference stock and debentures. The annual gross receipts of all the railways is £1,300,000. The net return would give about 3½ per cent. on all the capital expended; but while some companies are able to afford a larger dividend, in others the net receipts are entirely absorbed by the debenture and preference shareholders. In the first construction of some of those railways a large quantity of English capital was engaged, but in the transfers of stock that daily take place the chief purchasers are Irish, so that the Irish railways are becoming almost the exclusive property of Irish proprietors. Some of the capital by which the railways were constructed was raised by Four per Cent. Preference Shares, offering no advantage to the proprietor except an assured dividend of 4 per cent., the principal never to be paid. This may prove that when the owner of land borrows money at a higher rate of interest, the excess which he pays above 4 or 4¼ per cent. is owing to the bad laws of real property which now exist. It is a tax paid to vicious legislation. It is at least like a tax in this respect, that it takes the money from him, but it is unlike a tax in this respect, that it adds nothing to the resources of the State of which he is a member. But it is in contrast with the population that the increased wealth of the country will appear most striking. It is well known that many considered the excessive population of Ireland and its rapid rate of increase as at once a cause and a symptom of its wretchedness. Every writer on population drew some of his illustrations from this country, and the number and condition of the people were taken as a proof of want of prudence and foresight among the peasantry, and, perhaps, as some proof of a want of that good government under which those valuable qualities would naturally have grown up. Thus we find that in 1821 the population of Ireland was 6,801,327; in 1831 it was 7,767,401; in 1841 it was 8,175,124; but in 1851 it was reduced to 6,551,970; and in 1861, the present period, it is only 5,764,453, being more than a million less than it was in 1821; and the agricultural wealth of Ireland, as compared with its population, is now probably double what it was twenty years ago. The decrease between 1841 and 1851 was chiefly caused by the dreadful famine which the country suffered in 1846;

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but the decrease of the population between 1851 and 1861, to an amount exceeding 700,000 persons, has taken place during a period of unexampled prosperity.

But some may say we do not care much for these returns showing an increase in the number of sheep and oxen, or arable land. These returns only show that those who formerly had some property are now much richer. What we desire to know is, what change has taken place in the condition of the labourer, for it is by his prosperity that the prosperity of the country must be measured. This is perfectly true, but it is also certain that where the labouring classes are very poor the aggregate mass of wealth must be very small. There will be little riches, although there may be a few rich men to make the poverty of the poor appear more striking by the contrast.

I need not take any pains to show what was formerly the condition of the Irish labourer. His wretchedness was a matter of sad notoriety. But in order to get details which may be measured, I must refer to some public documents. The report of what is called the Devon Commission, which was appointed in November, 1843, states—"We noticed with deep regret the state of the cotters and labourers in most parts of the country from the want of certain employment. It would be impossible to describe adequately the privations which they and their families habitually and patiently endure. It will be seen in the evidence that in many districts their only food is the potato, their only beverage water; that their cabins are seldom a protection against the weather; that a bed or a blanket is a rare luxury, and that nearly in all their pig and manure heap constitute their only property." This lamentable state of things is fully borne out by the evidence.

I shall read a few extracts, carefully avoiding any evidence that appears unfaithful or exaggerated, and classing it according to the county or district to which it relates. Thus, speaking of the county of Clare, Burton Bindon, an extensive employer of labour, states that he pays 7*d.* a day to men, and 4*d.* to women; but some women receive 3*d.* for three hours' work, (from eleven to two o'clock,) and many of them travel several miles to earn that threepence. In Cork, Mr. Meade states that the usual wages of labourers when employed by the day was 8*d.*, except in hurried times, about harvest, when it was a little higher. Mr. White says that they would consider themselves happy and rich men if they could get constant employment at 8*d.* a day. The witnesses describe the labourers under farmers as generally paid by a kind of truck system, by which they got a house and potato garden at a certain rent, which

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was a set-off against their wages. Very little was paid in money. This made it very difficult to estimate the condition of the labourer. Under an indulgent employer his condition was better than it would appear from the mere statement of his wages; under a hard employer it was much worse. The Rev. Somers Payne, a land agent, and a magistrate of the county of Cork, says,—"There is not a more oppressed set of people in the world than the labourers of this county. I never sat a court day without witnessing some act of oppression on the part of the farmer on his labourer. In Kerry and Limerick the condition of the labourer is described as most wretched. In Tipperary their condition is said to be improving, employment constant at from 6*d.* to 8*d.* a day, but the landed proprietors pay 8*d.*, or from that to 10*d.*" Another witness describes the rate of wages as 8*d.* in winter, and 10*d.* in summer. In Waterford and the Midland counties of Leinster, the rate of wages appeared to be the same, from 6*d.* to 10*d.*, and more at harvest. The labourer had to pay six or seven weeks' wages for the rent of a cabin, which was not kept in repair for him by his landlord.

Without taking up more of your time with those painful details, it is sufficient to state that in Munster and Leinster the rate of agricultural wages varied from 7*d.* to 10*d.* a day, and in Connaught from 5*d.* to 8*d.*, and that even at those low rates constant employment could not be obtained. It also appears to have been the general custom for the labourer to rent his cabin and plot of ground from the farmer, and that those bargains sometimes insured the labourer a supply of food, and were a source of profit to him, but that more frequently they were a source of litigation and oppression, and that on the whole it might be said that in no part of the civilized world was the condition of any industrial class so wretched as that of the Irish labourer. There is still much room for improvement, but I shall refer to the best authentic documents that I could procure to show what change has taken place, and is still going on, in the condition of the labourer.

In the year 1856 the Emigration Commissioners applied to the Poor Law Commissioners for information on the state of the labouring population as bearing upon the continuance of emigration from Ireland. The Poor Law Inspectors in the different counties gave returns of the rate of wages in their respective districts. I refer to the report of the Poor Law Commissioners for the year 1856, as the latest on the subject. There are similar returns for the preceding years, but not in any subsequent report. In the return of Mr. Horsley for his district, which lays within the counties of Cork, Kerry, and

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Limerick, the average rate of wages for agricultural labourers was 7*s.* 6*d.* a week; and he adds, "Continuous employment is now easily obtained by all skilled able-bodied agricultural labourers." Mr. Hamilton, for a district in the counties of Tipperary, Waterford, Kilkenny, and Wexford, states the rates to vary from 6*s.* to 7*s.* 6*d.* a week. Mr. Lucas states them to be 6*s.* in his district in Clare, Limerick, and Tipperary, and that the demand for labour was gradually becoming more permanent. Mr. Bourke, for his district in the counties of Leitrim, Mayo, Roscommon, Sligo, and Donegal, says that a shilling a day may be considered the rate paid to agricultural labourers when no pressure exists upon the farmers, but if the workman's hire were averaged through the year, including seed time and harvest, the rate would rise to 1*s.* 2*d.* or 1*s.* 3*d.* a day. In some portions of the district 10*d.* a day continues to be paid, but this is exceptional, and there is a uniform concurrence of opinion, that after the ensuing harvest the rate will not again fall below 1*s.* He adds, "Upon the whole. therefore, the rise of wages previously noted appears to continue, and the labourer's condition is still improving."

On making calculations from all the returns, with which I shall not trouble you in detail, I found that the wages of agricultural labour had increased in twelve years from 25 to 80 per cent., the greatest increase having taken place in those districts in which the greatest wretchedness had previously prevailed. I have only referred to the statistics of three provinces. The condition of Ulster has also sensibly improved, but the chief cause of its increased wealth has been the prosperity of its commercial and manufacturing industry. I have no reliable statistics of a later period, but I have been in the habit of making such inquiries as were in my power respecting all parts of the country, and the result leads me to the conclusion that since those inquiries made in 1856, the wages of agricultural labour in most parts of Ireland have obtained a further advance of 10 per cent.

But although the rate of wages and the facility of obtaining employment are most important as affecting the normal condition of the labouring class, there are other circumstances which ought to be taken into account. Some may rise above, but others will fall below, the average condition of the class. What is to become of those who, by their misfortunes or their follies, have been reduced to destitution? What is to become of the labourers whose powers of work have been impaired by age and toil? What is to become of the widows and orphans of those who have been carried off by an unexpected stroke of death? Twenty-five years ago the answer to such a question

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was, "They must starve." The law made no provision to rescue them from death by actual starvation under any circumstances whatever. Ireland then differed from the greater part of the civilized world in this respect, that it made no provision for the support of the destitute poor. The law was changed in 1837, and now every individual in the community is declared entitled to his support at the expense of the property of the country. For this support the sum levied in the year ending 29th September, 1860, was £454,541. In the year 1851 it exceeded a million sterling.

But even before any provision was made by law for the maintenance of the destitute poor, it was felt that some assistance ought to be given to them in case of sickness. To the labourer, disease not only caused a stoppage of his only source of income by disabling him from work, but it entailed expenses for medicine and medical advice, which his wages, even when in full employment, would not enable him to meet. The assistance on such occasions given to the poor was administered by means of the dispensary system. This system was briefly as follows:—Any set of men by subscribing funds for the purpose might establish a dispensary in any part of the country they thought proper. The grand jury of the county was authorized to contribute to its support a sum equal to the subscriptions. The election of the medical officers and the management of the dispensary was left entirely to the subscribers.

The imperfections of this system were obvious, but an inquiry into the system was directed in 1840, and a report made in 1841, disclosing, among other evils, the following state of things:—The number of dispensaries was insufficient, and their situation ill-chosen. The position and even the existence of a dispensary depended not upon the wants of the poorer but upon the subscriptions of the wealthier inhabitants. Accordingly, although in a rich district the medical relief given to the poor might be sufficient, yet in a poor district there would be either no dispensary, or one extending over so large a district and so numerous a population, that the ill-paid officer attached to it must have been unable to discharge even a small proportion of his duties. In some cases relief was limited to those who should attend at the dispensary in person, or pay the doctor a certain sum for calling on him.

It is a little contrary to our modern notions of a test of disease and want, that medical relief should be confined to those who were strong enough to travel, or rich enough to pay for it. Sometimes the medical attendant was non-resident, performing his duty by occasional visits to his dispensary. Sometimes the same officer had several dispensaries, ten or

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twelve miles distant from each other, under his charge. Sometimes he had no medical qualification. The subscribers paid no attention to the management of the dispensaries. The support of the medical officer depended upon his success in collecting subscriptions and keeping the subscribers in good humour; and, accordingly, whatever might become of the poor, he was sometimes obliged to give his services gratuitously to the subscribers themselves and their families, their horses and their dogs. Sometimes the medical officer was permitted to retain all the subscriptions and grand jury allowance, out of which, however, he was obliged to pay for all the medicines he prescribed. You may be sure that, in those cases, the poor did not swallow much expensive physic. In one dispensary the average cost of the medicine was less than 2*d.* each patient. The salary of the medical officer was sometimes only £40, and sometimes less than £30 per annum. The salaries of all the medical officers of Irish dispensaries under this system amounted to less than £45,000, and the cost of medicine was less than half that sum. Under the present system the dispensaries are independent of voluntary subscriptions; they are situated where they are most likely to be required; they are managed locally, but subject to central control, which takes care that the influence of the rich shall not intercept for themselves the advantages intended for the poor.

The last report of the Poor Law Commissioners shows that all the evils which I have referred to as existing under the old dispensary system have been removed. The sum now spent in giving medical relief has increased more than 50 per cent. It now exceeds £104,000 for the year 1860. This sum is levied fairly according to the means, and expended according to the wants, of every district. The average distance of any poor family from the nearest dispensary station is little more than a mile. The number of persons authorized to give tickets entitling the holder to medical relief is about 10,000, who are subject to a local as well as a central control, in case they abuse their authority. The number of cases relieved in a year is about 760,000 persons. Adding the sum expended in medical relief to the general Poor Law relief, it amounted, for the year 1860, to £558,835, raised from the property of Ireland. Nor is this sum raised by a very heavy tax. The property taxed for the relief of the poor in 1860 was rated at £12,280,000. This probably represents a fair annual letting value of £16,000,000; and, adding the profits of the farmer, we may consider the net produce, which pays the tax, as equal to £27,000,000. Thus the poor rate is less than 1*s.* in the pound on the actual value of the land, and about 5*d.* in the pound on the actual means of the tax payers.

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Besides the cases of destitution and sickness, there is at least one occasion more in which the labourer my fairly claim some assistance from the State. Without some assistance, he would seldom have the means of providing a proper education for his children. It would be out of place for me here to detail the arguments which have induced economists to admit that public instruction is one of the cases in which the general principle that supply and demand ought to regulate each other should not be permitted to prevail. My present object is merely to show what change on this head is going on in the labourers' condition. While writing this I have before me the Twenty-sixth Report of the Commissioners of National Education in Ireland. From this I find that the total number of children at any time on the rolls of the National Schools, during the year 1859, is taken as 806,510. The average number appearing on the rolls at any one time is 519,175; the number of schools is 5,496. The sum expended appears to have been nearly £300,000, raised by taxes, together with local subscriptions to a small amount. The entire amount of local contributions was indeed not inconsiderable, being £43,763, but as the greater part of this consists of weekly sums paid by the parents of the children who attend the schools, I leave it for the present out of consideration. Out of the parliamentary grant, £156,355 were paid in salaries to the teachers. The cost of inspection was £21,000. The rest of the grant was consumed by the office expenses, purchase of books, and other school requisites, buildings, and repairs of schools, premiums to deserving pupils and miscellaneous expenditure. From this report, and from a parliamentary return made on the motion of one of the members for the county of Meath, I draw the following comparisons between the years 1860 and the years 1850 and 1840.

For the year 1860 the Parliamentary grant for the education of the Irish poor was about £300,000, for 1850 it was £125,000, for 1840 it was only £50,000; thus the grant increased more than five-fold from the year 1840 to the year 1860. The average number of children on the rolls was, for the year 1860, more than 520,000, as it appears there was an increase over 1859, when the number was 519,175; in 1850 it was 511,239, and in 1840 it was 232,560, being less than one-half the present number, although then the number of inhabitants, and especially of the labouring population, was so much more than it is now.

Again, when I compare the Parliamentary grant with the number educated, I find the grant has increased in the proportion of more than five to one, while the number of pupils has

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not increased in half that proportion. The children of the poor are not merely educated in greater numbers, but each receives a more expensive education than he did formerly. The instructors are more numerous in proportion to the pupils, they possess higher qualifications, and receive a higher rate of payment. The instructors come from the same classes as the pupils, and the prospect of ultimately receiving a good salary as a first-class teacher operates frequently as a stimulus to the exertions of the pupil. The annual cost of educating each pupil is now 10*s.* a head, in 1840 it was less than 5*s.* The National Education not being agreeable to all those who are interested in the education of the poor in Ireland, there are two societies entirely supported by voluntary subscriptions, which provide an excellent education for many of the poor. I allude to the Christian Brothers, and to the Church Education Society.

Comparing the number of the population with that of the children on the rolls of the schools, it would appear that the Commissioners of Education supply instruction to about seven-ninths of the youthful population, and the two societies which I have mentioned, together with the private schools, educate the remaining two-ninths. A competent education is now freely offered to all the rising population, and the number of those who do not actually avail themselves of it is very small indeed. Doubtless, many of those pupils will hereafter, by disuse, forget the greater part of the literary instructions which they have received at school; but though they may forget the art of writing, and not be able to read without difficulty, if at all, the effect of the mental culture which they receive will turn to their advantage, and will tend to make them abler and better citizens, while to many others the same education will afford an opening for success, which otherwise would have been for ever closed against them. Higher prospects still are offered to superior abilities, by the system of competitive examination for the civil service, which has been lately introduced, and which will enable indigent merit to rise to eminence without a patron. Under this system I entertain no doubt that the public will be better served than heretofore; and among the indirect advantages, I do not consider it the least, that it will foster a spirit of self-reliance in lieu of that traditional feeling which despaired of success, unless means existed of conciliating some patron of wealth, rank, or influence. Under this system, I am happy to say that Irishmen have obtained their full share of valuable employments. They are debtors to the system, and it is in their power to repay the debt, and give stability to the system, by showing that the intellectual activity which

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obtained success is accompanied by the patient industry and moral qualities by which alone they can become useful servants of the State.

I know how distasteful a long array of figures is to the majority of those present, but you would excuse me more readily if you knew how much I have omitted. On every side the statistical returns show the results of increased prosperity. The revenue of Ireland has increased more than 60 per cent. in the last ten years. The customs and excise have increased from £3,200,000 to £5,400,000. I need not refer to the increased consumption of tea, sugar, tobacco, &c. All this is a necessary consequence of the fact that the Irish labourer obtains higher wages and more constant employment. There is reason to hope that his wages are still very far from the point which they will yet attain. England has had the advantage of being nearer to the continent of Europe. Ireland has had the advantage of being nearer to the world of America, a world of which it is difficult to conceive the wealth and greatness to which it must ultimately arrive, notwithstanding the lamentable civil war now unhappily raging there. Thus the statistical returns on every head prove that Ireland has made a great advance in material prosperity within the last twenty years, and that the condition of the labourer has received a proportional improvement. There is good reason to hope that this prosperity will continue to increase, and that the various institutions for his benefit to which I have referred, which are almost in their infancy, (the present generation has witnessed the commencement of them all,) admit of, and will receive, considerable improvement.

It may be asked in what manner the labourer enjoys this access of prosperity, and the answer is obvious—the first improvement is always in his food. There are circumstances connected with the enjoyment, the production, and the consumption of food which always lead to this result. When the wages of the labourer are increased, the first improvement will be in his food, the second in his clothes, the last in his lodgings. The laws of the kingdom have also some tendency to retard any improvement in the dwellings of the labouring classes. This is to be regretted. The degree of civilization of any people or of any class may almost be estimated by the small proportion of their time and thought that is bestowed on the production and preparation of their food. It is a good thing that the labourer should have better food. It is a bad thing that the improvement in his condition should be confined to his food alone. It is evident that it is only when his wages are increasing that he will look for any improvement in his lodging, and that even then he

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will find many difficulties in his way. It will be an interesting and useful study in political economy to investigate those difficulties in order to remove them. In this, as in other public works, every person present may give assistance. A few may perform the more brilliant task of proposing or carrying measures of general utility, while all may help to form that sound public opinion which is every day obtaining an increased influence over the condition and the government of the country.

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ADDRESS

BY

M. MICHEL CHEVALIER,

ON TRADE AND INTERNATIONAL LAW.

LA section du commerce et de la législation internationale, à laquelle j'ai l'honneur d'être attaché, se recommande à vous particulièrement par son titre, dans ces temps où le commerce international prend un si grand essor, et je vous prie de reporter la bienveillance qu'elle vous inspire sur celui qui est appelé présentement à s'en rendre l'organe.

C'est une opinion, qui est enfin passée à l'état de règle aujourd'hui, que le commerce international doit être encouragé, parce qu'il augmente la richesse et la prospérité, non pas seulement d'une des deux parties contractantes, mais de toutes les deux également, aussi bien de celle qui achète que de celle qui vend. Cette opinion qui a acquis tant d'autorité et qui va envahir la pratique des états, après être restée si longtemps

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THE Department of Trade and International Law, to which I have the honour to be attached, recommends itself peculiarly to you by its title in these times when international commerce makes so great a stride; and I pray you to extend the good will which the subject must inspire you with, to the person who is called at present to make himself its organ.

It is an opinion which in these times has passed into the condition of an accepted rule, that international commerce ought to be encouraged, because it augments the wealth and prosperity not of one only of the two contracting parties, but of both equally—as well of the party who buys as of the one who sells. This opinion, which has acquired so much authority, and is about to introduce itself into the practice of states after having remained so long buried in books as a lucubration of theory destined for the amusement of learned men—this opinion, I say, has not raised itself and become powerful but in consequence of the circumstance that the nations are changing their mutual sentiments, are abjuring their ancient animosities and the jealousies of other ages, and are preparing themselves to become sincere friends of each other. Free trade would have remained in the recesses of philosophical treatises as a Utopia, if the influential classes of different nations had not actually begun to think that which our philosopher Voltaire used frequently to say, that every European war is a civil war.

It is, then, the thought of mutual approximation, of harmony, between the most civilized peoples that has been the origin of the recent progress of free trade. But in its turn free trade, in proportion as it is itself established, tends to draw

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enfouie dans les livres comme une élucubration de la théorie destinée à amuser les savans, cette opinion n'a grandi et n'est devenue puissante que parce que, de nos jours, les nations changent de sentiment les unes pour les autres, abjurent les anciennes inimitiés et les jalousies des autres âges, et s'apprêtent à devenir les unes pour les autres des amies sincères. La liberté du commerce serait restée reléguée dans les traités d'économie politique comme une utopie, si les classes influentes des différentes nations ne s'étaient mises à penser ce que disait souvent Voltaire, qu'une guerre européenne est une guerre civile.

C'est donc la pensée du rapprochement et de l'harmonie entre les peuples les plus civilisés qui a été l'origine des progrès admirables de la liberté du commerce dans ces derniers temps; mais à son tour la liberté du commerce, à mesure qu'elle s'établit, tend à rapprocher les peuples, car elle leur montre, de la manière la plus visible et la plus tangible, qu'ils sont nécessaires les uns aux autres, que chacun d'eux contribue au bien-être et à la prospérité de ses voisins, et reçoit de ses voisins une partie de sa prospérité et de son propre bien-être. Ainsi se manifeste heureusement cette loi générale d'action et de réaction, en vertu de laquelle le même fait est alternativement un effet et une cause; ainsi se révèle cette autre loi plus importante, qui fait partie du code moral du genre humain, que tous les peuples sont solidaires.

A ce point de vue, nous avons lieu de nous réjouir, car le traité de commerce entre les deux grandes nations de l'Occident

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the peoples more closely together, for it shows them in the most visible and the most tangible manner that they are mutually necessary, that every one of them contributes to the happiness and prosperity of its neighbours, and receives from its neighbours part of its own prosperity and of its own happiness. Thus there is happily manifested that general law of action and reaction, in virtue of which the same fact is in its turn first an effect and then a cause. Thus there reveals itself the other still more important law, which forms a part of the moral code of the human race, the law of the universal solidarity of nations.

In this point of view we have cause to rejoice, for the treaty of commerce between the two great nations of the West which are divided by the English Channel—England and France—will do much more than benefit France and the United Kingdom: it will have far wider results than to create a sale in England for French wines, silks, and articles of taste, and in France for the hardware and cotton stuffs of England, the linens and poplins of green Erin. It will be advantageous to a very great number of states, for it is destined to metamorphose the customhouses of the whole world. See in fact: the treaty of commerce between the United Kingdom and France has already given occasion to a treaty of commerce between Belgium and France: in a few weeks probably it will have determined the signature of a treaty of commerce between France and the Zollverein, or at least between France and Prussia, for that treaty has already been for several months under negotiation. In a short time, I think I can assure you of it, we shall see concluded a treaty between France and that young kingdom, called to so glorious a future, which the noble and intelligent sword of the Emperor Napoleon III. and the patriotic perseverance of Cavour

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que sépare le canal de la Manche fera beaucoup plus que de bénéficier à la France et au Royaume-Uni; il produira bien autre chose que de faire vendre en Angleterre les vins, les soieries, et les articles de goût de la France, et en France les fontes et les cotonnades de l'Angleterre, les tissus de lin, et les popelines de la verte Erin. Il sera avantageux à un très grand nombre d'états, car il lui appartient de métamorphoser le régime douanier du monde entier. Voyez en effet: le traité de commerce entre la France et le Royaume-Uni a déjà donné le jour au traité de commerce entre la Belgique et la France; sous peu de semaines probablement, il aura déterminé la signature d'un traité de commerce entre la France et le Zollverein, ou tout au moins la France et la Prusse, car ce traité se négocie depuis plusieurs mois déjà. Dans peu, je crois pouvoir vous en donner l'assurance, nous verrons conclure un traité entre la France et ce jeune royaume appelé à un si bel avenir, que la noble et intelligente épée de l'Empereur Napoléon III. et la patriotique obstination du comte de Cavour ont ressuscité, en rendant l'indépendance à l'Italie. Chacun des états qui signent ainsi un traité de commerce avec la France à la suite du traité anglais devient un foyer de propagande pour la liberté du commerce, et en traitant lui-même avec d'autres états, il les détermine eux aussi à la propager autour d'eux. Voilà comment doit augmenter sans cesse le nombre des ouvriers de la *vigne du Seigneur.*

Vous êtes tous ici des gens pratiques, voyant avec bonheur et reconnaissance le bien qui apparaît, mais ne fermant pas les

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have raised from the tomb in Italy. Each one of the states which thus sign treaties of commerce with France in consequence of the English treaty becomes a focus of propagation for free trade, and in treating itself with other states it determines them to propagate it around themselves. Thus, you see, the number of labourers in the vineyard of the Lord must continually increase.

You are all here practical men, seeing with pleasure and thankfulness the good which appears, but not shutting your eyes to the evil which meets them: by the side, then, of those happy changes which are under accomplishment or in preparation, you cannot fail to observe the facts which are taking place in the opposite direction. It is thus that by the side of the treaty of commerce between France and England your glance is arrested with pain by the Morrill tariff, which the Northern United States have recently adopted and even aggravated. But the Morrill tariff is born of the war, it is the child of discord, it will not live. The atmosphere of the nineteenth century will stifle it, for the atmosphere of the nineteenth century only suits products conformable to the laws of harmony, and to the unconquerable want which the nations feel to interchange the fruits of their labour like those of their intelligence.

One of the finest sciences that man has formed, geology, teaches and proves to us that in proportion as during the series of the ages of the earth the atmosphere purified itself and was tempered, there were seen to appear more perfect creatures. The animals of the first times, those monstrous and hideous beasts of which the forms, recovered and described by learned men, astonish and terrify us, gave place to animals less strange and more beautiful, of an organization more elegant and more refined. The Morrill tariff is like one of those ugly creations of ante-

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yeux sur le mal qui se rencontre; à côté donc de ces changemens heureux, vous ne manquez pas de remarquer les faits qui se produisent dans un sens opposé. C'est ainsi qu'à côté du traité de commerce entre la France et le Royaume-Uni, vos regards s'arrêtent avec chagrin sur le tarif Morrill, que les Etats-Unis du Nord viennent d'adopter et même d'aggraver. Mais le tarif Morrill est né de la guerre, il est l'enfant de la discorde, il ne vivra pas. L'atmosphère du dix-neuvième siècle l'étouffera, parce que l'atmosphère du dix-neuvième siècle ne convient qu'à des œuvres conformes aux lois de l'harmonie, et au besoin indomptable qu'éprouvent les nations d'échanger les produits de leur travail comme ceux de leur intelligence.

Une des plus belles sciences que les hommes aient formée, la géologie, nous enseigne et nous prouve que, à mesure que dans la série des âges de notre planète terrestre l'atmosphère se purifia et se tempéra, on vit apparaître des êtres plus parfaits. Les animaux des premiers temps, ces bêtes monstrueuses et hideuses, dont les formes retrouvées par les savans nous étonnent et nous épouvantent, firent place à des animaux moins étranges, plus beaux, d'une organisation plus élégante, plus raffinée. Le tarif Morrill est comme une de ces créations difformes des temps antédiluviens, telles que le *megatherium* ou le *plesiosaurus*, qu'on essaierait de faire vivre sur la terre telle qu'elle est aujourd'hui. Nous n'avons pas à nous en préoccuper outre mesure, il est destiné à périr bientôt.

Pour que le commerce soit réellement libre entre les différens peuples, il ne suffit pas que les tarifs des douanes aient été

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diluvian times, such as the megatherium or the plesiosaurus, which one shoul attempt to rear upon the earth such as it is to-day. We need not trouble our selves about it beyond measure: it is destined soon to perish.

In order that commerce may be really free between the different peoples it is not sufficient that the tariffs of customs duties should be remodelled in a liberal spirit. To substitute a liberal tariff for a restrictive one is, without doubt, an excellent work. It is not I who would wish to diminish the share of honour and glory which belongs to the government of the United Kingdom, as also to that of France, for the treaty of commerce which has marked the year 1860. In the United Kingdom a Cobden and a Gladstone, and in France his Majesty the Emperor, and after him the able and courageous ministers who signed the treaty or who facilitated it, M. Rouher, M. Baroche, M. Fould, have the right to a tribute of praise which posterity will not fail to decree to them, and which already the present generation offers them with eagerness. But after such palms so well merited, there yet remains glory to be reaped, for there are new services to be rendered to the cause of facility of commerce and liberty of exchange. There are new efforts to make in order that the different productions of the various parts of the planet may at all times reach easily the hands of their consumers in all countries, and subserve their happiness in the most efficacious manner possible. In order that commerce shall be really easy and free between the different peoples, there are changes to make in the laws, regulations, and usages which each people adopted in other times; for in many circumstances those laws, regulations, and usages are obstacles to commercial transactions. They are like

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refaits dans un esprit libéral. Substituer un tarif libéral à un tarif restrictif est sans doute une œuvre excellente. Ce n'est pas moi qui voudrais diminuer la part d'honneur et de gloire qui revient au gouvernement du Royaume-Uni, comme à celui de la France, dans le traité de commerce qui a si bien marqué l'année 1860. Dans le Royaume-Uni, M. Cobden et M. Gladstone; en France, S. M. l'Empereur, et après lui les ministres habiles et courageux qui ont signé le traité ou qui l'ont facilité, M. Rouher, M. Baroche, M. Fould, ont droit à un tribut d'éloges que la postérité ne manquera pas de leur décerner, et que déjà les générations présentes leur offrent avec empressement. Mais après ces palmes si bien méritées, il reste encore de la gloire à recueillir, car il y a de nouveaux services à rendre à la cause du commerce facile et des échanges libres. Il y a de nouveaux efforts à faire pour que les productions diverses des différentes parties de la planète arrivent aisément en tout temps sous la main des consommateurs de toutes les contrées, et servent le plus efficacement possible à leur bien-être. Pour que le commerce soit réellement facile et libre entre les différens peuples, il y a des changemens à faire dans les lois, dans les règlemens, et dans les usages que chacun avait adoptés dans d'autres temps; car en bien des circonstances ces lois, ces règlemens et ces usages sont des obstacles aux transactions. Ce sont comme des murailles qui séparent les hommes, ou même comme des fossés semés d'embûches et de chausses-trapes.

Ainsi, par exemple, il est bien clair que les transactions

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walls which separate men, or even like ditches sown with pitfalls and caltrops.

Thus, for example, it is very plain that international transactions would be freed from serious difficulties if associations formed for commerce were planned upon models differing less from one another; if the associations recognised and authorized in one state possessed a legal existence in other states, with the consequent faculty of enforcing their rights and supporting their interests before the tribunals there; or, again, if the legislation upon bankruptcies was more uniform; if the regulations relating to trade marks and the copyright of designs were in better agreement, and if the protection which they assure was extended to all the world, without distinction of nationality—in other words, in order that international commerce should be really and positively free and easy, it would be necessary that the character of the foreigner should cease to carry with it a sort of interdict which belongs no longer to our time, and from which each people suffers in its turn, with the consolation, little Christian or gainful though it be, of making its neighbour suffer from it also.

The legislation of the different nations ought therefore to be subjected to a calm and conscientious examination, setting out with the principle that the foreigner ceases to be an enemy, that he is a customer who consumes our productions while offering us in return the right of consuming his; that he is even more than this, a fellow-citizen of that great country of which Cicero spoke so long ago—Cicero, the great orator, of whom it is natural to think while standing, as I am at this moment, by the side of Lord Brougham—a country which has no other limits than those of the planet itself.

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internationales seraient dégagées de difficultés sérieuses, si les sociétés formées pour le commerce étaient sur des modèles moins différens; si les associations reconnues et autorisées dans un état possédaient une existence légale dans les autres, et par conséquent y jouissaient de la faculté de faire valoir leurs droits et de soutenir leurs intérêts en justice; ou encore si la législation sur les banqueroutes était plus uniforme; si les règlemens relatifs aux marques et dessins de fabrique concordaient davantage, et si la protection qu'ils assurent était étendue à tout le monde sans distinction de nationalité; en d'autres termes, pour que le commerce international soit réellement et positivement libre et facile, il faudrait que la qualité d'étranger cessât d'entraîner avec elle une sorte d'interdit qui n'est plus de notre temps, et dont chaque peuple souffre tour à tour avec la consolation peu chrétienne et peu lucrative d'en faire aussi souffrir le prochain.

Il y a donc lieu de faire subir à la législation des différens peuples un examen calme et consciencieux, en partant de ce principe que l'etranger cesse d'être un ennemi, que c'est un client qui consomme nos productions en nous offrant en retour de consommer les siennes; que c'est plus que cela, un concitoyen dans cette grande patrie dont parlait déjà Cicéron,—Cicéron le grand orateur auquel il est si naturel de penser lorsqu'on est, comme je le suis en ce moment, à côté de lord Brougham, — et qui n'a d'autres limites que celles de la planète elle-même.

Ici j'ai à aller au-devant d'une objection. Peut-être parmi

Here I have to meet an objection. Perhaps among the distinguished persons who do me the honour of hearing me, there are some who will cry "No!" saying that what I recommend tends to nothing else than to abolish patriotism; for if man has for his country the whole world, what is to become of those states which are dear to us, in which we were born and bred, in which our dearest and most tender affections are concentrated? What will they become but simple provinces, absorbed in the bosom of a single immense empire, vast as the world, the pressure of which will crush them.

It is not thus that the words which I have pronounced must be understood. "Country" is not an empty word; it is a sacred word, which answers to the loftiest and most imperishable sentiments. That phrase of a personage of the French revolution, that one's country is not a thing which one can carry sticking to the sole of one's shoe, will remain true in all times. But observe under what patronage I present to you this idea that the terrestrial globe is a country. It is under the auspices of one of the greatest patriots that have ever existed. It is Cicero who spoke thus—Cicero, one of the most illustrious citizens of Rome—Cicero, who saved his country from the conspiracy of Cataline, who tried to save it from the rivalry of Cæsar and Pompey, who repelled from it the yoke of Mark Antony, and who for that effort against a tyrant was miserably slain by his assassins. Cicero, while he rendered homage to that country which is the world, proclaimed in the same phrase his devotion to that other country, which was Rome and the Roman republic.

Thus that which I have taken the liberty to recommend to you has not the character of a dissolving cosmopolitanism. It is the practice of a generous senti-

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les personnes distinguées qui me font l'honneur de m'écouter, plusieurs se recrieront, en disant que ce que je recommande ne tend à rien moins qu'à abolir le patriotisme. Car si l'homme a pour patrie le monde entier, que deviennent ces états qui nous sont chers, dans lesquels nous sommes nés et avons été élevés, où sont rassemblées nos affections les plus douces et les plus tendres? Que seront-ils, sinon de simples provinces absorbées dans le sein d'un seul immense empire, grand comme le monde, dont la pression les écrasera?

Ce n'est point ainsi qu'il faut entendre les paroles que j'ai prononcées. La patrie n'est pas un vain mot; c'est un mot sacré qui répond à des sentimens élevés et impérissables. Cette parole d'un personnage de la révolution française, que la patrie n'est pas une chose qu'on emporte à la semelle de ses souliers, restera vraie dans tous les temps. Mais remarquez sous quel patronage se présente à vous cette idée, que le globe terrestre est une patrie; c'est sous les auspices d'un des plus grands patriotes qui aient jamais existé; c'est Cicéron qui a parlé ainsi, Cicéron, un des plus illustres citoyens de Rome, Cicéron qui sauva la patrie des complots de Catilina, qui essaya de la sauver des rivalités de César et de Pompée, qui repoussa d'elle le joug de Marc-Antoine, et qui, à cause de cette tentative contre un tyran, fut misérablement assassiné par ses sicaires; Cicéron, en même temps qu'il rendait hommage à cette patrie qui est le monde, proclamait dans la même phrase son dévouement à la patrie, qui était Rome et la république romaine.

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ment which by no means excludes those other noble sentiments which are the motives of so many great actions, and which are ranged under the respectable name of patriotism.

If you enter into the thought which I indicate to you, you will immediately perceive how many modifications there have to be made in the laws, regulations, and usages existing in different states; what additions to them ought to be introduced either by legislation or by public regulation; what negotiations states, both great and small, have occasion to enter upon with one another; what new career may shortly be opened to diplomatists who, as malicious tongues pretend, have too much leisure in proportion to the high salaries which they receive.

It is, for example, not doubtful but that the *droit d'aubaine*, in virtue of which the property of a man who died in a foreign country after having acquired possessions there was torn from his children, will shortly be renounced. In the same manner we must cease to refuse to the subjects of a foreign state the right of possessing land: we have in respect of real property to make a complete assimilation between foreigners and members of the nation, always with the reservation of political rights, as has already been done for movable property. In the same manner we shall simplify the law of naturalisation, which in many states still bristles with difficulties, and fixes an excessive duration for the preliminary residence and for the apprenticeship to the new nationality.

In the same series of ideas we shall come to adopt uniform regulations for those affairs in which variety has no utility, and where no explanation can be given for its continuance, but by attributing it either to the ignorance in which people were formerly steeped on the subject of what other nations had done, or

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Ainsi ce que j'ai pris la liberté de vous recommander n'a pas le caractère d'un cosmopolitisme dissolvant. C'est la pratique d'un sentiment généreux qui n'exclut aucunement les autres sentimens nobles, mobiles de tant de grandes actions, qui se rangent sous le nom respecté de patriotisme.

Si vous entrez dans la pensée que je vous signale, vous apercevez aussitôt combien il y a de modifications à faire aux lois, règlemens, et usages dans les différens états, quelles additions législatives ou réglementaires doivent être introduites dans ce qui existe déjà, quelles négociations les états grands et petits auront lieu d'ouvrir les uns avec les autres, quelle carrière nouvelle pourra se dérouler prochainement devant les diplomates, que les mauvaises langues prétendent avoir trop peu d'occupation, en comparaison des traitemens élevés qu'ils reçoivent.

Il n'est pas douteux, par exemple, que bientôt on renoncera au droit d'aubaine, en vertu duquel les biens de l'homme qui mourait sur la terre étrangère, après y avoir acquis des propriétés, étaient ravis â sa famille. De même on cessera d'interdire aux sujets d'un autre état la faculté de posséder des terres; à l'égard de la propriété territoriale, on fera une assimilation complète entre les étrangers et les nationaux, sous la réserve des droits politiques, de même qu'on l'a faite pour la propriété mobilière. Pareillement on simplifiera la loi de naturalisation qui, dans plusieurs états, reste hérissée de difficultés, et fixe une durée excessive pour le séjour préalable et pour l'apprentissage de la nationalité nouvelle.

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to the prevalence of a puerile spirit of contradiction. Under this head we must class the necessity of establishing harmony between the different laws and customs concerning assurances, and especially marine assurances, and also the adoption of a uniform system relative to the accidental collision of ships on the high seas.

This is a question which the different states are about to be brought to the discussion of by the force of circumstances, and for the solution of which one is entitled to say that everything is already ripe. I allude to the uniformity of weights and measures, with which one may connect the uniformity of coins, for a coin is a measure. To name this question is sufficient to make you understand in what degree it interests international commerce, what facility it is capable of giving to it, what loss of time, without speaking of various other charges, as, for example, the cost of exchange, it must save it. You remember the saying which has been often repeated, that the traveller who entered Italy or Germany by one extremity, and got his money changed at each frontier he passed, had not yet arrived at the opposite extremity when already the whole value of his money had been devoured by the moneychangers.

The uniformity of weights and measures, including coinage, is a corollary of free trade. It follows from it by the most natural and the most direct process of deduction.

On this subject there is this happy circumstance, that if one will leave out of consideration an ill-founded self-love, and a spirit of routine but little to be commended, one does not see what motive most nations can have for remaining attached to their old systems of weights and measures. Almost everywhere, in fact, the old system is complicated, inconvenient, and absurd. It

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Dans cette même série d'idées, on adoptera des règlemens uniformes pour des affaires où la variété n'a aucune utilité, où l'on ne peut s'expliquer qu'elle ne se soit perpétuée que par l'effet de l'ignorance dans laquelle on était plongé au sujet de ce qu'avaient fait les autres nations, ou par la domination d'un esprit puéril de contradiction. Sous ce titre, on peut ranger l'harmonie à établir entre les diverses législations et les différentes coutumes concernant les assurances et surtout les assurances maritimes, et encore l'adoption d'un système uniforme relativement aux collisions accidentelles des navires en pleine mer.

Il y a une question que les différens états vont être amenés à traiter par la force des choses, et pour la solution de laquelle on est fondé à dire que tout est mûr aujourd'hui. Je veux parler de l'uniformité des poids et mesures, à laquelle on peut rattacher l'uniformité des monnaies, car la monnaie est une mesure. Il suffit de nommer cette question pour faire comprendre à quel point elle intéresse le commerce international, quelle facilité elle peut lui donner, quelle perte de temps elle doit lui sauver, sans parler de diverses charges qu'elle lui épargnera, comme, par exemple, les frais du change des monnaies. Vous vous rappelez ce mot qui a été souvent répété, que le voyageur qui entrait en Italie ou en Allemagne par une porte, et qui faisait changer ses pièces de monnaie à chaque frontière, n'était pas encore parvenu à l'autre extrémité du pays que déjà la valeur entière de son argent avait été dévorée par les changeurs.

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would appear to have been invented by way of penance, in order to oblige men to make long and tedious calculations—so much so that everywhere one has occasion to desire the adoption of a system which shall be simple and logical, founded on the decimal proportion for its divisions, its subdivisions, and its multiples, and which shall derive all its units of measure alike, whether of length, area, volume, solidity, weight, or even monetary value, from a single standard by means of decimal relations.

Nay, more, to this day, most states are afflicted with the scourge of a diversity of systems of weights and measures, not only in their relations with other states but just as much in their relations with themselves; for their measures, with or without the consent of the law, change from province to province, sometimes from district to district. If I am not deceived, this case is presented in each of the three kingdoms which compose the British empire. Such a state of things is too inconvenient to be prolonged indefinitely. Consequently, the larger part of the public in every state will have to renounce the measures in the use of which it has been brought up. But when one must in any case change, it is better to adopt a system the convenience of which is perfect, than to take another quite as complicated and troublesome, and of which the only title to preference would consist in its having been employed in some neighbouring province. When new habits have in any case to be contracted, it is better to contract them in order to ally oneself to a system which shall be uniform for the civilized world, than to another which shall serve for the exclusive use of the nation and suffer a troublesome diversity still to subsist for the purposes of international commerce.

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L'uniformité des poids et mesures, y compris la monnaie, est le corollaire de la liberté du commerce. Elle en découle par la déduction la plus naturelle et la plus directe.

A ce sujet, il y a cette circonstance heureuse que, si l'on veut bien laisser de côté un amour-propre peu fondé et un esprit de routine qui se recommande médiocrement, on ne voit pas, chez la plupart des peuples au moins, quels motifs ils pourraient avoir pour rester attachés à leur ancien système de poids et mesures. Presque partout, en effet, le système ancien est compliqué, incommode et bizarre. Il semble avoir été imaginé, par manière de pénitence, pour obliger les hommes à des calculs longs et fastidieux, si bien que partout on a lieu de désirer l'adoption d'un système qui soit simple et logique, fondé sur la proportion décimale pour les divisions, les sous-divisions et les multiples, et qui fasse dériver d'un étalon unique, par le moyen de rapports décimaux pareillement, toutes les unités, celles de la longueur, de la superficie, du volume, de la solidité, du poids et même de la consistance des pièces de monnaie.

Bien plus, aujourd'hui encore la plupart des états sont affligés du fléau de la diversité des poids et mesures, non seulement par rapport aux autres états, mais tout aussi bien par rapport à eux-mêmes; car les mesures en usage parmi les populations, avec ou sans l'assentiment de la loi, changent de province à province, quelquefois de district à district. Si je ne me trompe, ce cas se présente dans chacun des trois royaumes composant l'empire britannique. Un pareil état de

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I will not raise here the question whether the system to which it is better that the whole world should ally itself has not already been discovered, and whether the metrical system actually in use in France and among a certain number of other peoples, and which there produces complete satisfaction, does not unite in a sufficient degree all the conditions which are desirable for becoming universal. Different reasons prohibit me from taking the initiative in such a proposition, and above all others my character of a Frenchman. We are in an age of free examination and free inquiry. The question of a uniform system of weights and measures for the civilized world must, if it is to be well resolved, be put in its widest possible extent, and consequently in terms which shall not imply any preference already formed for the metrical system, but which however shall leave to that system all the chances of adoption which may belong to it in virtue of its own merit.

On this occasion one may raise a question which appears to be only one of detail, but which has a considerable practical bearing. I allude to the convenience of reckoning from the same meridian in geographical maps and nautical books. In this manner the maps and nautical tables of one nation would be easily used throughout the world. For navigation this would be a veritable benefit. Formerly there had, up to a certain point, been an agreement upon one meridian: they had taken that of the Isle of Ferro. Afterwards, by national pride, each state wished to have its own. There is then the meridian of Greenwich, that of the observatory of Paris, that of Washington, and many others. I do not see what each state has gained thereby. I only see distinctly what it has lost—

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choses est trop incommode pour qu'il puisse se prolonger indéfiniment. La majeure partie du public, dans chacun des états, renoncera donc aux mesures avec lesquelles elle a été bercée. Mais à tant faire que de changer, il vaut mieux adopter un sytème qui soit d'une commodité parfaite que d'en prendre un autre tout aussi compliqué et aussi fâcheux, dont le seul titre à la préférence serait d'avoir été employé dans une des provinces voisines. A tant faire que de contracter de nouvelles habitudes, il vaut mieux que ce soit pour se rallier à un système qui soit uniforme pour le monde civilisé, que pour en épouser un autre qui serait à l'usage exclusif de la nation et laisserait subsister les ennuis de la dissonnance dans le commerce international.

Je ne soulèverai pas ici la question de savoir si dès à présent le système auquel il convient que tout le monde se rallie n'est pas trouvé, et si le système métrique, actuellement en vigueur en France et chez un certain nombre d'autres peuples, et qui y excite une complète satisfaction, ne réunit pas à un degré suffisant toutes les conditions désirables pour devenir universel. Diverses raisons m'interdisent de prendre l'initiative d'une pareille proposition, et surtout ma qualité de Français. Nous sommes dans un temps de libre examen et de libre enquête. La question d'un système uniforme de mesures et de poids pour le monde civilisé doit, pour être bien résolue, être posée dans son étendue la plus entière, et, par conséquent, dans des termes qui n'impliquent aucunement une préférence systématique pour le système métrique, mais aussi bien qui lui laissent toutes les chances qui lui appartiennent en vertu de ses propres mérites.

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the power of using the maps and tables of its neighbours, maps and tables sometimes better than its own.

How many other questions would still present themselves if one tried to exhaust the subject? There are some which are not only opportune at present, but which are even pressing. I will cite as an example the question of the rights of belligerents at sea. Up to what point ought the right of seizing or destroying merchandise belonging to private persons at sea to be any longer recognised in case of war? Can the respect for private property which is admitted in war by land remain without security in maritime war? Why this contradiction? The treaty of Paris in 1856 sought to establish in this respect a doctrine more respectful to the right of property than that which had up to that time been admitted; but the question has remained in suspense. Did the treaty of Paris go too far, or has it not stopped short of the mark? Civil war, you know, has broken out in North America, for the torment of one of those modern nations that have accomplished the largest number of great things, and have the highest claims to the esteem and affection of the nations of Europe. If this war should continue, it will be necessary that the great governments of Europe should deliberate on the question of the sea. The confusion of ideas which exists at present on the subject of the rights of belligerents cannot be permitted to remain longer without compromising even the peace of the world.

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A cette occasion, on peut soulever une question qui semble n'être qu'un détail, mais qui a une assez grande portée pratique. Je veux parler de la convenance de partir d'un même méridien dans les cartes de géographie et dans les livres servant à la navigation. De cette manière, les cartes et les tables nautiques d'une nation seraient d'un usage facile pour tout le monde. Pour les navigateurs, ce serait un véritable bienfait. Autrefois cet accord en faveur d'un même méridien avait subsisté jusqu'à un certain point. On avait pris le méridien de l'île de Fer. Depuis, par fierté nationale, chaque état a voulu avoir le sien. Il y a donc le méridien de Greenwich, celui de l'observatoire de Paris, celui de Washington et bien d'autres. Je ne vois pas ce que chaque état y a gagné. Je ne vois distinctement que ce qu'il y a perdu, la faculté de faire usage des cartes et des tables de ses voisins, cartes et tables quelquefois meilleures que les siennes.

Combien d'autres questions se présenteraient encore si l'on essayait de creuser le sujet! Il en est qui non seulement sont opportunes aujourd'hui, mais qui sont même brûlantes. Je citerai, par exemple, la question des droits des belligérans en mer. Jusqu'a quel point le droit de saisir ou de détruire les marchandises des particuliers sur les mers doit-il être reconnu désormais en cas de guerre? Le respect de la propriété privée, qui est admis dans la guerre sur terre, peut-il rester sans garantie lorsqu'il s'agit de la guerre maritime? Pourquoi cette contradiction? Le traité de Paris de 1856 a tenté de faire prévaloir à cet égard une doctrine plus respectueuse du droit de propriété que celle qui était admise jusque-là; mais la question est demeurée en suspens. Le traité de Paris est-il allé trop loin, ou ne s'est-il pas arrêté en deçà du but? Sur ce point on devra s'expliquer bientôt. Vous le savez, la guerre civile vient d'éclater dans l'Amérique du Nord pour le tourment d'une des nations modernes qui ont accompli le plus

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Another aspect of the subject which presents itself to the mind, and which deserves to captivate the intelligent men and generous souls who are devoted to the cause of progress, as are all the members of the Association, is this.

By the force of circumstances there has been formed by the side or even outside of the sovereignty of particular states a sort of public domain of civilization, which the most solemn treaties have recognised. It is thus that the free navigation of certain rivers has been proclaimed, such as the Rhine and the Danube. It is thus that conventions between the most powerful governments have declared neutral the ways of communication to be constructed across certain great isthmuses of universal interest, such as the Isthmus of Panama, the effect of which will be to place every railway or canal constructed on so important a line of passage on the footing of a universal property, of which the whole world shall at all times have the use upon conditions the same for all. It is thus that the tolls established formerly by feudalism at very frequented passes, as the strait called the Sound, have been redeemed at their common charge by all commercial peoples through the payment, once for all, of a certain sum.

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de grandes choses et qui ont le plus de droits à l'estime et à l'affection des nations européennes. Si cette guerre se poursuit, il faudra bien que les grands gouvernemens de l'Europe délibèrent sur la question maritime. La confusion d'idées qui subsiste aujourd'hui au sujet des droits des belligérans en mer ne saurait durer désormais sans compromettre même la paix du monde.

Un autre aspect du sujet qui se présente à l'esprit, et qui est digne de captiver les hommes intelligens et les âmes généreuses dévouées à la cause du progrès, comme le sont tous les membres de l'association, est encore celui-ci:

Par la force des choses il s'est formé, à côté ou même en dehors de la souveraineté particulière des états, une sorte de domaine public de la civilisation, que les traités les plus solennels ont reconnus. C'est ainsi qu'on a proclamé la libre navigation de certains fleuves, tels que le Rhin et le Danube. C'est ainsi que des conventions entre les gouvernemens les plus puissans ont neutralisé les voies de communication à construire dans certains grands isthmes d'un intérêt universel, tels que l'isthme de Panama, ce qui constituerait tout canal construit dans ce passage si important sur le pied d'une propriété universelle dont tout le monde aurait en tout temps l'usage aux mêmes conditions. C'est ainsi que les péages établis autrefois par la féodalité sur des détroits très fréquentés comme le détroit du Sund, ont été rachetés à frais communs par tous les peuples commerçans, au moyen d'une somme payée une fois pour toutes.

Le caractère de ces propriétés d'un genre nouveau, placées sous l'égide de la bonne foi universelle, et au besoin sous la protection des forces militaires de toutes les nations, appelle une législation particulière. Quelle étendue doit acquérir ce domaine commun des peuples civilisés? A quels règlemens

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The character of these pieces of property of a new class, placed under the ægis of universal good faith, and, at need, to be protected by the military forces of all nations, calls for a peculiar legislation. What extent ought this common domain of civilized nations to acquire? To what regulations shall it be subjected, and how guaranteed? There is here ample matter for reflection; and for the Association this will no doubt one day give occasion to useful labours, which will increase its renown and influence.

Your Department of Trade and International Law has then a vast field before it—so vast that it would be impossible to explore it even very imperfectly in a single year. But if the work abounds, very well; that proves what a proper step it was last year to establish the department. It will have to employ the zeal, the learning, and the experience of its own members, and to appeal to the information of all the members of the Association, for an unlimited period.

From this time forward we have a good compass with which to proceed to the explanation of these little known regions. That compass is the principle that the foreigner has ceased to be an enemy—that he becomes, and must more and more become, a friend and an auxiliary, and that the interest of each state is to treat

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sera-t-il soumis? Quelles en seront les garanties? Il y a là une ample matière à réflexion, et pour l'association ce sera sans doute quelque jour l'occasion de travaux utiles qui accroîtront sa renommée et son influence.

Votre section du commerce et de la législation internationale a donc un vaste champ devant elle, tellement vaste qu'il lui serait impossible de l'explorer même très imparfaitement dans une seule année. Mais si l'œuvre abonde, eh bien! c'est qu'on a bien fait, l'an dernier, d'instituer la section. Il y aura matière à exercer le zèle, le savoir et l'expérience de ses membres, et à faire un appel aux connaissances de tous les membres de l'association, pendant une durée illimitée.

Dès à présent, nous avons une bonne boussole pour procéder à l'exploration de ces régions peu connues. Cette boussole, c'est le principe que l'étranger a cessé d'être un ennemi, qu'il devient et doit devenir de plus en plus un ami et un auxiliaire, et que l'intérêt de chaque état est de le traiter comme tel. Cette boussole, c'est le sentiment de plus en plus fort de la solidarité entre tous les peuples, sentiment que la saine philosophie recommande et que la religion revendique comme le fruit de ses propres entrailles. Avec une aussi bonne boussole, nous sommes certains de ne pas nous égarer. Les dieux et les vents sont pour nous.

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him as such. That compass is the sentiment, continually increasing in strength, of a solidarity between all peoples—a sentiment which sound philosophy recommends, and which religion claims as the fruit of her own womb. With so good a compass, we are certain not to miss our way. The gods and the winds are for us.

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SELECT PAPERS,

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JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

METHOD OF LEGISLATION.

The Statute Law of Ireland: its Revision and Consolidation. *By* Wm. Dwyer Ferguson, LL.D.

I PROPOSE to bring under the notice of this Section a rapid sketch of the Statute Law of Ireland in its past history and present state, and my immediate purpose in doing so, is, to enforce the peculiar necessity which exists for its revision and consolidation.

The authentic Statute Law of Ireland does not commence until the third year of the reign of Edward II., or eighty-five years later than that of England. Taking the expedition of Henry II. to Ireland as our starting-point, there is no trace of any Parliament to be found during the reigns of this king or of his four immediate successors. Perhaps there were no elements out of which a Parliament, in the proper sense of the term, could have been formed. But it was during this interval of eighty-five years, that the Parliamentary history of England was so eventful, and was being emblazoned with the great charters of John, Henry III., and Edward I., whereas we shall look in vain over the blank page of Irish history for any counterparts or copies of those great originals. The great charters of English liberty are all anterior to the commencement of our Parliamentary history, and were elicited by circumstances which never occurred in Ireland. The Irish Parliament in those early times had no money to give, and consequently those great concessions which the proudest of English monarchs were obliged to make to their people, in order to get money to carry on their foreign wars, are absent from the Irish Statute Book. For the same reason, in early times the Parliament in Ireland was called but seldom. The first Parliament of which we have any record was held in the year 1310, 139 years after Henry II.'s expedition. The next was not held for a further period of 119 years. Of what the Parliament of Edward II. consisted we have no information, but it enacted only five statutes, each and all of which bear abundant testimony to the turbulent character of the times. They are directed chiefly against the oppression and exaction of the great lords.

During the reigns of Edward III., Richard II., Henry IV., and Henry V., no Parliament appears to have assembled. Its next

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meeting was in the 7th of Henry VI. The subjects of which it took cognizance were neither numerous nor apparently important. Some of them are curious and some trifling. Thus, in the thirty-nine years of Henry VI.'s reign, the Parliament held but eleven sessions and passed but thirty-six Acts, being an average of little more than three per session. A large proportion of these are against robbers and rebels. One adopts the English statutes against provisors or encroachments of the Court of Rome; two are fiscal; two may be called sumptuary, one being against the use of gilt bridles and harness, another against the English wearing their beards after the Irish fashion. One savours of narrow-minded oppression, when it enacts that the sons of labourers shall always practise the same labours that their fathers have done; whilst another savours little of justice when it enacts that every man shall answer for the offence of his son, save in the punishment of death only.

In the next reign, that of Edward IV., the Parliament assembled more frequently, holding nine sessions in twenty-two years; but yet it passed no more than twenty-three Acts in all. Some sessions appear to have but one Act; for example, the 2 Edw. IV. contains one Act to sanction the application of moneys derived from the courts of justice for the repairs of Dublin Castle, in which they were then being held. The single Act of the 20 Edw. IV. is to impose a duty on the export of hawks.

Now it is hard to conceive that the great council of the nation was summoned on two occasions for no greater purpose than this; and this leads us to suspect that serious gaps and omissions exist in the printed collection of our statutes at large. Some have been lost undoubtedly, as appears by references made in existing statutes to others not forthcoming; and there is good reason to believe that many of the Acts of the Irish Parliament remain unpublished among the Rolls of the Court of Chancery. I may mention that the patent and close rolls of the Court of Chancery in Ireland are now being published under the sanction of the Master of the Rolls in Ireland, and a most interesting volume has already issued of the patent rolls down to the reign of Elizabeth. They furnish the most authentic information respecting the state of property and of society in that early period, and I would hope that their publication may be speedily completed, and that afterwards the unpublished statute rolls of Chancery, which must be of the greatest possible interest and value, may be given to the world.

During the reign of Henry VII. there were but four sessions, and twenty-six Acts passed. Some of these (called Poyning's Acts, after the then chief governor, Sir Richard Poyning,) are deserving of notice. One, the 10 Hen. VII. c. 4, enacts, that no Parliament shall be held in Ireland till the king's lieutenant and council shall first certify to the king, under the great seal, the cause of the acts to be passed, and until the king's license be had. Chapter 22 enacted "that all statutes made in England concerning the commonweal shall be deemed in force in Ireland, and all statutes made in Ireland to

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the contrary shall be void." Thus the independent character of the Irish Parliament was destroyed, and it was reduced to the position of recording the edicts of a foreign council. Even the past authority of the Irish Parliament was ignored, and its Acts superseded by those of a foreign Parliament, which had not Ireland in its contemplation at all. In this state the Irish Parliament continued until the year 1782, when the Irish volunteers recovered its independence and procured the repeal of Poyning's Acts.

Henry VIII. resorted to his Irish Parliament but seldom. In the thirty-eight years of his reign there were but eight sessions and fifty-seven Acts.

In the reign of Philip and Mary there was but one session and fifteen Acts, chiefly relating to ecclesiastical and religious matters.

In the forty-five years of Elizabeth's reign there were ten sessions and but forty-nine Acts passed.

In the twenty-two years of James I's. reign there was only one session, in which ten Acts were passed.

In the troubled reign of Charles I. there were five sessions, and three of them in the year 1634—a year productive of a singular amount of law reform. Among the Acts passed, I may mention the Statute of Wills, the Statute of Leases, the Statute against Fraudulent Conveyances, the Statute of Reversions and of Limitations, Fines and Recoveries and Jeofails. These were, no doubt, little more than transcripts of the most useful and popular Acts passed in England during the preceding reigns of Henry VIII., Elizabeth, and James I. But it is worthy of remark that they, together with an Act called the Act of Settlement, to confirm the estates of the undertakers of the plantation of Ulster, are found in immediate juxtaposition with certain grants from the Parliament to the Crown of subsidies, six in number, besides eight from the clergy; and I have no doubt they were the equivalents for the liberality of the Irish Parliament in the very year when ship-money was resorted to in England, rather than face an assembly which annexed to its grants the condition of the redress of grievances more substantial. The Irish Parliament appears to have been less exacting, and I can find no trace amongst its records of anything like a Petition of Rights.

The Parliament of the Restoration did little more than grant subsidies. The Act for abolishing the Military Tenures, which is the 14 & 15 Car. II., is two years subsequent to the corresponding English Act. The Habeas Corpus Act, which is the 31 Car. II. c. 2 in England, is not enacted in Ireland until the 10 Geo. I., or forty-two years subsequently.

James II. appears to have held no Parliament in Ireland until after the Revolution. He presided at a Parliament in Dublin in the year 1689, and this memorable Parliament repealed the Acts of Settlement, and passed an enormous Act of Attainder, including more than two thousand persons; but an Act of Wil. III. has declared all Acts of what it calls "this late pretended Parliament" null and void, and they have utterly disappeared from the Statute Book.

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In the thirteen years during which William and Mary reigned there were four sessions holden and sixty-two Acts passed. The most prominent of these and of those of the following reign are the severe penal Acts against persons professing the Roman Catholic religion, and the laws to prevent the marriage of Protestants with Roman Catholics, which have been so much before the public of late. The Bill of Rights—the third great charter of English liberty—which passed into law in England in the first year of the reign of William and Mary, has never (I believe) become law in Ireland.

In the twelve years of the reign of Anne, we have six sessions and eighty-seven Acts. The most noticeable of these, perhaps, is our Registry of Deeds Act, 6 Anne, c. 2.

In the thirteen years of George I.'s reign we have six sessions and ninety-five Acts. In the thirty-three years of George II.'s reign there were seventeen sessions and 326 Acts.

In the first forty years of George III.'s reign we have thirty-one sessions and 1,365 Acts, showing how immensely the business of legislation had grown upon Parliament. The Acts of these forty years exceed the entire legislation of the preceding 450 years by more than one half. In the preceding 450 years there were ninety sessions holden, and 898 Acts passed, being less than ten Acts for each session, whereas in the forty years before the legislative union there were 1,365 Acts passed, forming an average of over forty-four per session. Since the Imperial Parliament has undertaken to legislate for Ireland, we have had in the last twenty years of the same reign of George III. 1,433 Acts, increasing the average from forty-four to over seventy-one per session.

If we divide the Parliamentary history of Ireland into three epochs, we have in the first three hundred years, from the expedition of Henry II. to the close of Henry VII.'s reign, the whole statute law of Ireland comprised in ninety short Acts; in the next three hundred years, from the commencement of the reign of Henry VIII. to the year 1800, the date of the legislative union, it is spread over 2,173 Acts; and in the last period of sixty years, from 1800 to the present time, it runs into 3,758 Acts; so that, in order to find the Statute Law of Ireland, we must search through no less than 6,021 enactments of the Irish and Imperial Parliaments, not to mention the English Acts prior to Poyning's, many of which are in force in Ireland. What the number of these latter Acts may be I have not ventured to calculate, and it is needless further to exaggerate the wild confusion that reigns over the written law of Ireland, which every man is presumed to know and bound to obey. It reposes in 120 huge folio volumes, which would literally require a wagon to carry.

How much, then, of this mass of 6000 and more statutes is still effective? How much, by expiration of time and virtual and positive repeal, is defunct? How much, from change of circumstances, is wholly useless? As far as I can see, of the Irish statutes of the first 300 years, not more than eight have any force or appli-

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cation to the present state of society. Of the statutes of the next 300 years—*i. e.*, to the date of the legislative union—there are but 158 effective statutes. The residue, though interesting as historical records of the past, form no part of the living law. Is it not, then, the plain duty of Parliament to give to the public an authenticated edition of the living law disencumbered of the dead and useless Acts which surround it, and from which nothing but the authoritative declaration of Parliament can safely dissever it; although the most cursory examination will satisfy any one that $\frac{14}{15}$ths of it are as inoperative as the laws of the Brehons? This is surely a most discreditable condition in which to find the written law of one of the most civilized states in Europe; and Ireland has a peculiar claim to be relieved from this embarrassment of a statute law which is not only multitudinous and cumbrous, but is, from the operation of Poyning's Acts, double-sided and conflicting. Her claim for a consolidation of statute law is, in one degree, stronger than that of any other portion of the United Kingdom, and I have therefore thought it right to bring the subject before the Section.

How this consolidation may be best effected opens a field of inquiry not peculiar to Ireland. I shall assume that whatever diversity of opinion may exist respecting the complete codification of our public law, its necessity, or its practicability, all will agree in this, that the chaotic state of our statute law is a national disgrace, and that to collect, consolidate, and re-write it, without more, would be a great public advantage, and a considerable step towards the accomplishment of an ultimate codification. The public general statutes of the United Kingdom were computed to be 16,422, of which more than 12,000 were ascertained to be non-effective, or merely local and personal. The public statutes relating exclusively to Ireland are, as I have stated, no less than 6,021, of which probably 4000 are inoperative; whilst the 2000 effective statutes are scattered up and down through 120 folio volumes.

In considering how the consolidation of this statute law may be best effected, I must advert to the course which has been hitherto pursued, both in England and in this country, in the way of grouping portions of these statutes into convenient collections as regards particular subjects; and then I shall inquire how far this course is likely to lead to a satisfactory and complete consolidation of the entire statute law.

We all know that it was the late Sir Robert Peel, under whose auspices the first great step in the way of consolidation was taken, by reducing a vast body of scattered enactments on the criminal law into harmony and union. In Ireland this example was followed by the right hon. gentleman, the President of our Section, Mr. Napier, who, in the year 1851, introduced into Parliament two Bills to consolidate, with certain amendments, the statutes in which the clergy of the Established Church were interested; I mean those relating to the residences of ecclesiastical persons, and the erection and endowment of churches and chapels. The old Acts were forty in number;

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they were obscure and conflicting; and I may say that the work, which was comprised in a narrow compass, has proved acceptable to the clergy and beneficial to the Church. Another and more extensive consolidation statute was introduced by the same right hon. gentleman in the year 1852, on the subject of the relation of landlord and tenant, as important and difficult a subject as any on which legislation can be attempted. I am happy to say that this Bill has passed the ordeal of party strife, and become law in the Session of 1860. Such an Act as this, which consolidates the provisions of thirty-nine statutes from the reign of Edward IV. to that of the Queen, if it had no other merit than doing so in plain language and orderly form, must be productive of social advantages, by familiarizing both landlords and tenants with the text of the law, which is the measure of their rights and the criterion of their duties. I may mention one other consolidation Act, introduced by the right hon. gentleman, one of our vice-presidents, Mr. Whiteside, and which had the good fortune to be presented to the House of Lords by the father of legal reform, our venerable President, Lord Brougham—I mean the Common Law Procedure Act of Ireland of 1853, which, notwithstanding statements made by a noble Irish marquis, I am bound to say does embody everything valuable in the corresponding Act in England. It has also consolidated all the previous enactments on procedure, from the reign of Henry VI. to that of the Queen, to the number of thirty-six. Among similar Acts of great public utility, I might mention the Bankruptcy and Insolvency Act of Ireland, which, besides introducing many important improvements in the law, some of which have been since adopted in England, is also a great consolidation statute. We have had in England also the Merchants' Shipping Act, the Customs Act, and several others, all of which are, no doubt, valuable improvements on the former state of things in regard to the particular subjects of which they treat, and are in some degree helps to a work of a more comprehensive character.

I am therefore fully sensible of the advantages to be derived from these consolidation Acts; but if I am asked whether the further multiplication of them without uniformity, or concert, or community of plan and purpose, should be continued, I am bound to say that, however useful they may be in themselves, regarded as parts of a general consolidation of the public statute law of the kingdom, it is not expedient to prosecute such a plan further, because that, by increasing the mass of the statute law, it tends to aggravate the very evil it is designed to remove, and involves an ultimate waste of time and labour; whilst, from the nature of the process itself, it must result in comparative imperfection and incompleteness.

It appears to me that, if we are to aspire to a complete consolidation of Statute Law, and if the work is to be executed within any reasonable period of time, it cannot be effected in the fashion of isolated and detached fragments, but must be dealt with, and presented to Parliament, as one great and entire whole. The great source of

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failure on the part of the Statute Law Commission I take to be this, that their time and strength were expended on small portions of a great work, without sufficient regard to their connexion with any great whole. The plan of a Bill recently laid on the table of the House of Lords by the Lord Chancellor of England, for the revision of the English statutes up to the time of Edward III., if I understand it aright, seems to be little better. A re-casting of the statutes in chronological order, without arrangement or connexion with the subsequent Acts,—without what Lord Bacon calls reducing and recompiling them,—seems to be futile. It may form the raw *matériel* for a future consolidation, but in this state it is a matter not suitable for the consideration of Parliament, whose duties are to legislate, and not to revise and correct pieces of legal composition. That it is practicable to accomplish something more than this, and to effect a general and simultaneous consolidation of the whole public statute law with reasonable accuracy and perfection, and within a moderate period of time, cannot well be doubted. Not to speak of the great Code of the Roman Law, or the Code Napoléon, such a thing has actually been done as regards the criminal law of our country—a subject of great extent and importance, and entitled to rank as one chief department in the great work of a general consolidation. The criminal code has dealt with its subject comprehensively and completely, and what has been done in regard to the criminal law may be done for our civil jurisprudence.

That there are difficulties in the way of this, as of every other great undertaking, I do not deny. The first great difficulty is to be found in the want of a suitable agency to organize and superintend such a work. We have at present no Minister of State having sufficient leisure or appliances, in the first instance, to work out such a plan, and then, when it is accomplished, to maintain the work in accord with the ever-changing course of legislation, to collect and arrange the judicial statistics that illustrate its working, and suggest suitable improvements in its structure. In the absence of such a minister or department, I do not venture to say whether the work might not be committed to a board of commissioners, possessed of the confidence of Parliament, and receiving proper assistance.

But this suggests the next great difficulty, which lies in the jealousy of Parliament to commit so serious a trust to any body of men, however eminent or faithworthy. This natural timidity or reserve will probably have diminished somewhat when the experiment just made, in respect of the Criminal Law, shall have been tested, and proved successful, as I trust it will. But in order to remove all ground for jealousy and distrust, it appears to me to be absolutely necessary that the work should be presented to Parliament in the shape of a simple, *bonâ fide* consolidation of the existing statutes, identical in substance with the actual law, but re-written, harmonized, and arranged. Parliament, without derogating from its incommunicable prerogative, might delegate such a duty as

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this, and accept the work after slight examination. The commissioners would no doubt be invited to accompany their work with a body of suggestions for alterations in the text, in the way of omissions of parts palpably incongruous or useless, or of addition of matters clearly necessary to the integrity of the whole. But in this primary stage, it appears to me that it would be essentially necessary to exclude all new and foreign matter whatsoever; for if the work of amending the law is to proceed *pari passû* with that of its primary consolidation, its accomplishment by any agency compatible with Parliamentary action is impossible. To perform such a task Parliament should confide its deliberative powers to a council of state, like that which determined upon the articles of the Code Napoléon. The course of the English Bankruptcy Act in the last two Sessions of Parliament, and the proved necessity of disconnecting the consolidation clauses from the new and debateable matter, is an illustration of the truth, that it is next to impossible, in the course of any Parliamentary Session, however protracted, to work the clauses of a great consolidation Bill through its several stages, when mixed up with matter which is new and open to discussion. The delay of the Criminal Law Bills, in which private and personal interests had so little room for interference, but which have been so long before Parliament, is another illustration of the same fact. A great consolidation Bill should be presented, pure and simple, so that Parliament may accept it as an act of faith, relying on the honesty and capacity of its compilers. It should offer for the deliberation of Parliament but one matter, that is, the truth of the preamble, whether it is expedient to re-enact the existing statute law in a form more intelligible, more harmonious, and more orderly. It may, indeed, be thought by some, that to reproduce the existing statute law in a better dress, and more regular form, without improvement in its substance, would be an insignificant result, and scarcely worth aiming at. To such, my answer would be—first, that, as far as I can see, this is the only result practicable on any large scale, at present, and that to pursue any other is to postpone the completion of the work indefinitely, and, probably, to reserve its accomplishment for generations yet unborn: secondly, that such a work when accomplished would furnish the safest and readiest materials for an extensive amendment of the statute law, if such shall be found to be necessary: and, lastly, that even if the work never went beyond the ascertainment and extrication of the operative law, from the mass of confusion and disorder in which it is now involved, it would be a work of the highest public importance, and repay the expenditure, in time and money, a thousand-fold.

There is yet another difficulty or danger which such a work as this must encounter, and it is not in the jealousy of Parliament but in the obstruction of the public. The moment that a consolidation of statutes is proposed, there is not a public board or department, there is not a private class or interest, but will be on the alert, to make it the vehicle for carrying some favourite scheme of their own—

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some alteration in the existing law, very useful perhaps—some little job, very inoffensive perhaps. But the consideration of these would lead to endless controversy and delay, and the opportunity would present an irresistible temptation to impede the measure for selfish and interested purposes. This affords another reason why the consolidation of statute law should be confined in the first instance to its primary and proper purpose, a simple reproduction of the existing law. When the existing law has been once ascertained and brought together, it will be the more easy to consider its deficiencies and to judge respecting its improvement.

The entire work should, as I have suggested, be presented to Parliament as a complete whole. It might be arranged under three or four great heads, or divisions or libers. I do not presume to say what these great divisions should be. Perhaps the order and arrangement under which Blackstone has treated of the laws of England in his Commentaries might suggest something like a working plan or skeleton. Thus, the first book might deal with the public state in its three great branches, civil, military, and ecclesiastical; the second book with the status and rights of persons and corporations in their relation to each other and to the state; the third book, of the rights of property, including the law of contracts; and the fourth, or last, of remedies civil and criminal.

With a view to the permanency and susceptibility of future amendment of the consolidated statute law, the work should be sub-divided under appropriate chapters, which should ever after be dedicated to particular subjects, fixed and invariable, and under which all subsequent amendments in regard to those subjects should be arranged. It is manifest, that without some provision to maintain and preserve the character and integrity of the work, as a consolidation of statute law which is current as well as that which is past, the value of the work must deteriorate year by year, as fresh statutes are made and old statutes are altered, and so the process of consolidation must needs be repeated again and again. But if when any defect shall have been discovered or alteration required in the statute law, and Parliament shall have passed an amending or supplemental Act, this latter shall be deemed in the nature of a warrant or instruction to some competent authority to introduce this amendment or alteration in its proper place in future issues of the consolidated statute law, the integrity and consistency of the work might be maintained, and the work nevertheless be kept in accord with the ever-changing course of legislation. By what authority these amendments should be incorporated with the consolidated statute law, whether on the responsibility of the Lord Chancellor, the Home Secretary, or the Minister of Justice, would be a matter of detail into which I need not enter.

Before such a work is commenced it should be preceded by a careful and exhaustive examination of every statute on the books, with a view to its distribution for consolidation under its proper head, if found to be in force, or its inclusion in a repealing schedule

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if ascertained to be inoperative or repealed. I am aware that an important part of this work has been executed, as regards the repealed and obsolete English statutes, by Messrs. Anstey and Rogers, in their Expurgatory Index. In regard to the Irish statutes, I have made some progress with a work of a somewhat similar but more extensive character. I admit that it was quite necessary that all these Acts, which after full examination were ascertained to be obsolete or repealed, should be included in the schedule of a declaratory Act, with a view to their complete supercession by authority of Parliament; but in my humble judgment this should have followed the final consummation of the entire work of consolidation, and not have preceded it. With all due deference to those who have brought forward and passed through Parliament a declaratory Act of this nature in the Session just closed, it appears to me to have been premature and savouring somewhat of an appearance of despatch, while no real progress has been made. Until the work of consolidation has tested the actual condition of each portion of our statute law, and provided a substitute for every part of it that is deemed to be in force, until then we cannot with accuracy or safety declare what is the true residuum of ineffective statute law. However, as the work has been launched, we are bound to accept it with all thankfulness, and avail ourselves of its help with earnestness and zeal. It has, at least, relieved the English statute book of one-third of its dead weight, and there is, therefore, so much the less excuse for leaving the remaining two-thirds in their present state of disorder and confusion. As regards our Irish statutes before the union, I do not find that anything has been done, and I cannot conceive why they should not be comprehended in a scheme of statute law revision. Of the 2,263 statutes of the Irish Parliament, the number of effective Acts scarcely exceeds 166, but as far as I know no steps are being taken to disencumber the statute book of the remaining and useless 2,097. It is perhaps not even in the contemplation of those who are engaged in the consolidation of the English statute law to embrace in their work the Irish statutes, as has been wisely and successfully done in the criminal code. A great part of our statute law is identical with that of England, and where it happens to differ a few words of a supplemental or secondary clause would provide for its inclusion, and spare us the anomaly of distinct laws for proximate portions of one United Kingdom. I trust I may be mistaken in this, and that the work of consolidating the entire statute law of England and Ireland will be undertaken as one great comprehensive whole, and that its execution may be creditable to its compilers and worthy of the great nation to which it belongs. I am satisfied that if it be undertaken intelligently and zealously, it may be accomplished within a short lustrum of years; and that if to the performance a reasonable amount of care and diligence be brought to bear, the exertion, however short of absolute perfection, will be satisfactory to the public.

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ADMINISTRATION OF JUSTICE.

On Public Prosecutors in Prussia. By Baron Holtzendorff.

PREVIOUS to the year 1848, there existed in Germany no system of public prosecution by special officers. Some timid beginnings had been made, at Berlin only, when the Revolution stepped over the Rhine. Amongst the popular demands of that period none was raised more unanimously than that for the total reformation of penal procedure, based upon the introduction of trial by jury, and the abolition of the old law of evidence, under the influence of which criminal proceedings had been rendered almost infinitely long in their duration. The judicial power before 1848 comprised the functions of criminal police and of public prosecution *ex officio*, either upon or without the complaint of private persons, vested in the same prodigious being called a Judge of Instruction. His duties were to suspect crimes everywhere, to inquire into the reasons of his own suspicions, to remain impartial, and to protect the innocence of accused persons; and this without any aid either from functionaries or counsel. The history of our criminal trials before 1848 establishes the fact that the very conscientiousness of our judges became a misfortune for supposed offenders. On subsequent conviction our criminals were found to have endured previous incarceration for a considerable time, and on subsequent acquittal no compensation was offered them for their loss of personal liberty.

Within the space of only one year the aspect of things became totally changed, trial by jury having been introduced, and the right of prosecution vested in public prosecutors, or State attorneys. Two important laws were passed on the 3rd of January, 1849, and the 3rd of May, 1852, by which our criminal procedure was reformed on the French pattern, the spirit of which was understood to be a very liberal one. At the same time the whole judicial organization was remodelled. We got district courts, courts of appeal, and a supreme tribunal. A single judge of the district court is made competent to try all small offences; a bench of the district court, composed of three learned members, could decide on misdemeanors punishable with from six weeks to five years' imprisonment; while juries conjoined with a court of five judges were entrusted with the cognizance of all serious cases of felony. There are 245 standing district courts in Prussia, and 81 courts of trial by jury, which are formed out of the learned members of the district courts. While the sentences of these jury courts can be impugned only before the supreme court, on account of legal errors, or neglect of formal rules in the proceedings, the sentences of the district courts may be brought before the appellate jurisdiction of the higher courts, (of which there are twenty-two in Prussia,) and finally before the supreme tribunal deliberating in a bench of seven learned judges.

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To these three classes of tribunals in civil as well as in criminal matters the organization of public prosecution was accordingly adapted. A State attorney is commonly appointed at each district court, (*Kreis-Gericht,*) who is subordinate to a superior State attorney appointed at each court of appeal, and in the last instance there is a State attorney-general acting at the supreme court. All these officers, for whose assistance substitutes may be appointed according to their wants, must possess the same qualifications as learned judges or members of the bar, with the exception of a subordinate class called police attorneys, who officiate in summary cases of simple transgression of the police rules. State attorneys receive a fixed remuneration from the Government independently of that for the particular cases they deal with, and they are officially obliged to abstain from all other business. The exclusive right of public prosecution being thus conferred on State attorneys, the judges in Prussia were deprived of their ancient prerogative of instituting proceedings against offenders. Only on a formal request on the part of the State attorney can a preliminary investigation into the case be made by judicial officers.

The chief requisites for all criminal jurisdiction may be said to be impartiality in the conviction, and equal justice in the prosecution of criminals. Judicial impartiality is a simple demand of justice, which may be insured by qualifications afforded either by a scientific study of law, or by the independent position of the judge, similar to that of jurymen. But the second object cannot so easily be attained. An equal prosecution of all offenders, under whatever circumstances the offence has been committed, is not only a demand of justice, but also a necessity for the effectual prevention of crime. The least possible chance of escaping criminal prosecution, when a crime has been committed, is a better prevention than the terror of punishment, the application of which remains uncertain.

The best organization of public prosecution would be found in the effectual centralization of it in the hands of a responsible superior magistrate, exercising his functions with the assistance of other officers appointed for certain districts, and having subordinate to his orders the criminal police of the whole country, for the purpose of prosecuting those criminals who are in the habit of absconding, and for the further purpose of keeping up a regular registration of all convicted felons. To attain this object, the criminal police in Prussia are obliged to obey the orders received from the State attorneys.

But public prosecution contains a natural restraint in itself. It ought not to be exercised on mere suspicion. A trial, even when ended by an acquittal, is accompanied with heavy damage and considerable trouble for those who must publicly plead for their innocence. There should be a previous examination of the charges brought against the accused. No trial should be allowed before it be shown that a conviction may be expected on reasonable calculation. With this view, in Prussia, a preliminary examination of attendant suspicious circumstances is allowed to be made, either by

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the attorneys themselves, in cases of urgency, or by a judicial magistrate, on their formal request. No charge can be heard by a court of justice, in public audience, no conviction can be had, unless the probability of conviction be acknowledged after a summary consideration of the evidence produced.

In cases of misdemeanor, (*Vergehen*,) when a written charge is presented by the State attorneys, a council of three learned judges has to find a true bill, after a careful consideration of the existing evidence, as well as of the point of law, which consideration resembles very much that of the English grand juries. In cases of felony or great crimes, which are subject to trial by jury, the same council, in the first instance, decides on the charge, and, if it be admitted, another chamber of a superior court, composed of five learned judges, must find a final decree, rejecting or admitting the contemplated accusation. By this double investigation any danger of a precipitate prosecution is removed, and from this moment, the charge having been admitted to trial, ceases to be subject to the mere disposal of the State attorneys. Sentences of punishment may be pronounced without or against the request of the State attorney; after the first request it has become a matter of judicial cognizance, provided always that the legal forms of procedure be observed.

But even in another direction German criminal law has erected some barriers against unnecessary prosecution. There are several cases in which the State attorney is not allowed to interfere directly, because some strong private interest may oppose itself to a public prosecution; such are cases of slight assaults upon the person, injury, libel, slander, rape, and adultery. In these cases the State attorney interferes only when he has received a complaint from the injured party.

Speaking generally, the whole system has worked most beneficially. Very few cases of serious crime have escaped detection and punishment. The criminal statistics of Prussia, after the introduction of the system of public prosecutors, show an increased number of convicted criminals, owing, as is commonly supposed, not to an increase of crime, but to an increased efficiency of the criminal law; for some years after the system had been organized crimes began to decrease. Nevertheless, it must be confessed, there are many serious defects in the present state of public prosecution in Prussia—defects which are duly appreciated and may be easily remedied.

Although equal justice in prosecution is the very idea in the institution of State attorneys, yet there are many bureaucratic interests working against its accomplishment; equal justice is denied sometimes when private individuals have been offended by officials of the Government. There have occurred instances of injury and libel in which, owing to the political interests of the Government or other reasons, the State attorney has refused to interfere upon complaint being made to him, has refused his assistance, and has left the private party in an unprotected state. In order to understand this defect, it must be remarked that, according to the Prussian law, no

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private person can of himself directly prosecute an offender before a court of criminal jurisdiction.

At the present moment lawyers and governments are deliberating on this question. Seven hundred jurists from all parts of Germany assembled, on my proposal, in August, 1860, in the capital of Prussia, and directed their attention to the subject of public prosecution as it now exists, and as it ought to be. In a second meeting of the German jurists, (*Furistentag*,) the same question will be discussed at Dresden in this month, and I hope it will be the result that, in those cases in which the State attorney may refuse to interfere, full liberty shall be given to the injured party to prosecute at his own pleasure and costs.

Another defect of great importance must be noticed in the influence of the minister of justice, as an agent of the Crown, the tendency of which is to act unequally in political offences, especially in those offences committed against the Government by the press. A bad Government will easily avail itself of public prosecution for the purpose of spreading terror amongst its adversaries. In Prussia State attorneys may be removed from office on account of their refusing to obey the orders received from the minister of justice; and in this manner they are kept in a state of dependency, while our judicial officers can be removed only in consequence of formal condemnation for mal-administration. Our present idea in Prussia and our wish is, that the officers of public prosecution should have the same position as the judges actually have, and that they should be independent of the arbitrary power of the minister of justice.

As to this last defect, little fear of it ought to be entertained in England, if a system of public prosecutors were to be introduced. Political freedom, a general responsibility of high functionaries, the controlling power of Parliament, and a constant vigilance of public opinion, would afford a safeguard against an unjust prosecution for political offences. Germany has learned, by a war of thirty years' duration, religious tolerance; but her recent revolutions have prevented her from learning political tolerance, which is the precious property of English parties. No honest man in Great Britain, I firmly trust, would be tried or prosecuted for criticising his Government or expressing his political views against it. It may be inferred from the present state of political affairs in England, that the institution of a public prosecution of crime, exercised by State attorneys, would work more beneficially than in any other country in Europe.

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LAWS RELATING TO PROPERTY.

On the Law of Charities in Ireland: with a Few Suggestions likely to secure their more effectual application. By WILLIAM GERNON, A.M., T.C.D., *Barrister-at-Law.*

THERE are few questions falling within the range of social science, in which the community ought to take a deeper interest, than the faithful administration of public and private charities. Whether we consider the sacredness with which the wishes of a deceased testator —as conveyed in his last will and testament—ought to be regarded, the advantages directly conferred on large numbers of the community by those wishes being scrupulously fulfilled, and the benefits indirectly, but not less surely, reaped by society at large from the fact of a great proportion of its poorer members receiving direct advantages, it seems to me that, in every point of view, the subject is important, and well worthy the attention of an Association having for its noble objects the physical amelioration and moral exaltation of every grade and class of which society is composed.

Having the honour of being officially connected with the Board of Charitable Donations and Bequests in this country as one of its secretaries, for the last five years, I am compelled with regret to declare, as the result of my experience—short as it has been—that in a multitude of cases the intentions of charitable testators are not only not faithfully carried out, but that they are oftentimes designedly and systematically frustrated. Strong as the observation undoubtedly is, I fear it is not without truth, that there are many persons charged with the sacred and confidential duty of giving effect to the charitable intentions of deceased relatives and friends, who, unmindful of their solemn trust, appear to think that they owe it to themselves, to their families, and to society, to grow prosperous, opulent, and fat, on the money intended for the necessities of their poorer fellow-creatures. Undoubtedly, my experience regarding charitable bequests in general has been fortified and borne out by the results of the inquiry so ably conducted a few years ago, by the Commissioners of Endowed Schools; for no one can read the report and the evidence taken before them, spread over four large blue books, without seeing almost upon every page instances of endowments wilfully and unscrupulously withheld from their objects by executors, trustees, and heirs-at-law; and these instances not confined to any particular localities, but multiplied in every part of Ireland; and if under the class of educational endowments alone, which form but a single branch of charities, so large an amount has been proved to have been withheld, a fair presumption may be raised that if the aggregate sum withheld from charitable, religious, and pious purposes of every description could be ascertained, it would be found so enormous, that its application to the various

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objects originally intended would be sensibly felt, not only by the poorer classes who would directly benefit, but likewise by the tax-paying classes, who have to contribute toward the support of pauperism.

It may with truth be said, that the recital in the preamble of an Act passed by the Irish Parliament in the third year of the reign of George III., "that the pious intentions of many charitable persons are frequently defeated by the concealment or misapplication of their donations or bequests to public or private charities in this kingdom," has been proved true by the constant and uniform experience of a whole century; and I fear it may be added that the recital is as true in 1861 as it was in 1763, when the Act was passed. It is manifestly therefore, of the utmost importance that the able and distinguished men who have assembled here from all quarters to form the present Congress should have an opportunity afforded them of considering whether the law relating to charities in Ireland, affecting as it does the welfare of large classes in the community, is sufficiently effectual and stringent to cope with the acknowledged and proved evil of concealing, withholding, and misapplying charities. And with this view, it may not be uninteresting to the members that I should shortly state what the law relating to charities in Ireland has been, and what it now is. By this means it will be best seen what the defects, if any, are, and it will more readily occur to the minds of the members to suggest improvements and amendments.

In the year 1764, the Irish House of Lords appointed a committee of their body to take into consideration the several charities and charitable donations in this kingdom, with power to send for persons, papers, and records; and two of the judges were directed to assist their lordships in their inquiries. This Committee, called into existence by the necessity of protecting and watching over charities, discovered that charitable bequests and donations to a large amount had been withheld, embezzled, and concealed; and they caused the same to be sued for, recovered, paid, and applied to the charitable and pious uses for which they had been originally intended and designed by the donors from the period of its first appointment. Down to the year 1800, this Committee appears to have had a continuous existence, and it was successful in realizing a large amount of withheld charities. I need not further refer to it, save so far as to say that its minutes form a highly valuable and interesting history of the condition of charities at that day; and I believe they are preserved among the State records in the Birmingham Tower, in the Castle, and are under the care of the Ulster King of Arms. When the act of union became an accomplished fact, the Committee to which I have referred ceased to exist; but anticipatory of that event the Irish Parliament, in the year 1800, passed the Act of 40 George III. c. 75, under which the first Board of Charities in Ireland was constituted and incorporated, under the title of "The Commissioners of Charitable Donations and Bequests."

The preamble of that Act refers to the Lords' Committee almost in the words I have used. It then goes on to recite that, by the

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union of Great Britain and Ireland, that Committee would be discontinued; and almost in the same words as were used in the previous statute, the Legislature, after a lapse of nearly thirty-five years, again expresses its conviction that the pious intentions of many charitable persons would be defeated by the concealment and misapplication of their donations and bequests to public and private charities, (as they had been before the appointment of the Committee,) and that it was expedient and necessary that some public body should be constituted and appointed to watch over such charities, and to enforce the application of them to the purposes designed and intended by the pious donors. It then incorporates this new Board, which was to consist of the Protestant archbishops and bishops of Ireland, the Lord Chancellor, the chief and other judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, the Judge of the Prerogative Court, the Provost of Trinity College, the Dean of St. Patrick's Cathedral, the Vicar-General of the Diocese of Dublin, and the incumbents of the several parishes in the city of Dublin and the liberties. The second section conferred on the Board authority to sue, at law or equity, for the recovery of every charitable donation, devise, or bequest, which should be withheld, concealed, or misapplied, and to apply the same, when recovered, to charitable or pious uses, according to the intention of the donor or donors. By the same section the Board was invested with the important power familiarly known to lawyers by the name of "*cy-près*," or it was enacted that, in case it should be inexpedient, unlawful, or impracticable, to apply the donation or bequest strictly according to the directions and intentions of the donor or donors, the Board should then apply the same to such charitable and pious purposes as it should judge to be nearest and most conformable to the directions and intentions of the donor or donors. The fourth and last section of that Act contained a very important provision: it rendered it compulsory upon the Vicar-General or his surrogate, or the Registrar of the Prerogative Court, to forward each year, to the Secretary of the Board, returns, on oath, of every charitable donation or bequest contained in any will entered in the office of such vicar-general or registrar, the name of the person to whom probate or letters of administration with the will annexed should be granted, with the date of the will, probate, or letters of administration. It attached a penalty of £5 for non-performance of this duty on the part of the officer, recoverable against him by civil bill, by any person who might sue for it. I may here observe, that the Act of 3 George III., to which I referred at the commencement of this paper, required a similar return to be made to the bishop of each diocese, and to the Archbishop of Armagh, respectively; and the substituted provision of 40 George III. c. 75 was rendered necessary by the new machinery introduced by that Act.

The Board of Charitable Requests incorporated by this Act continued in existence for a period of forty-three years—that is to say, from 1801 to 1844—and its minutes, which extend over five large

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volumes, show that it discharged its public duties so far faithfully, that it recovered and applied to their proper purposes a very large amount of withheld charities; but from its exclusive constitution—as regarded the religion of its members—as well as from the peculiar nature and objects of many Roman Catholic charities with which it had to deal, it was scarcely to be expected that in a country circumstanced like Ireland, and especially in an age when all the wisdom of the Legislature was gradually depriving the other institutions of the country of their exclusive character, and was gradually admitting within their pale persons of every religious persuasion,—it was, I say, scarcely to be expected that a Board so constituted would continue to retain its hold on public confidence, and accordingly, in the Session of Parliament of 1844, the Government of Sir Robert Peel, of which the present Master of the Rolls was the Irish Attorney-General, introduced and passed the Act of the 7 & 8 of Her Majesty, c. 97, under which the former Board of Charities was dissolved, and the present Board was constituted and incorporated by the similar title of the Commissioners of Charitable Donations and Bequests for Ireland. In the preamble of this Act, as in those of the two Acts previously passed on the subject of charities, the Legislature again declares its conviction "that it is expedient that the pious intentions of charitable persons should not be defeated by the concealment and misapplication of their bequests to public and private charities." As regards the Board constituted under this Act, I hope I may be permitted to state my own opinion that it would have been impossible for any Government to have constructed one on principles better adapted to the circumstances of this country, or more calculated to inspire public confidence. The former Board had in its original constitution been exclusively Protestant. By the second section of the Act, the new Board was to be composed of thirteen commissioners, of whom three were to be *ex officio* members—viz., the Master of the Rolls, the Chief Baron of the Exchequer, and the Judge of the Prerogative Court. With these were to be associated ten other commissioners, to be appointed by Her Majesty in Council, of which ten, five were at all times to be persons professing the Roman Catholic religion, the other five were to be Protestants and Protestant Dissenters in any proportion which Her Majesty in Council might think fit. Thus, by the constitution of the present Board, the Roman Catholics may have a positive majority, because in addition to the five appointed members who must be professors of that religion, the three *ex officio* members may be so likewise, and one of the present members is so, in fact. Also under the seventh section, which empowers the Lord-Lieutenant to appoint a secretary or secretaries, though there is no enactment that there shall be two secretaries, or, if two, nothing to require that either of them shall be a Roman Catholic, yet, by an uniform course of practice, two secretaries have invariably been appointed, and as invariably one has been a Roman Catholic. There is likewise a provision in the 6th section of the Act, requiring that on considera-

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tion of all charitable donations and bequests, and matters relating to them, if any question shall arise before the Commissioners concerning the usages or discipline of the Established Church, or of any body of Protestant Nonconformists, it shall be referred to a committee composed exclusively of Protestants. There is a similar provision requiring that all questions regarding the usage and discipline of the Roman Catholic Church shall be referred to a committee composed exclusively of Roman Catholic Commissioners, and the Board is to accept the certificate of each such committee in deciding upon, and giving effect to, a donation or bequest. In order more clearly to define the provision of that section, and the course of conduct to be pursued by the Board under it, the Commissioners, immediately after their incorporation, unanimously passed a resolution, that "Wherever any reference shall be made to the Roman Catholic Commissioners for the purpose of ascertaining who is the person entitled to the benefit of any donation which may be made to or in trust for the Roman Catholic priest of any parish or congregation, it is to be understood that their duty will be merely ministerial, and that it will be for them to act on the certificate of the Roman Catholic archbishop, bishop, or vicar acting for the time being, as to the person entitled thereto, and to certify accordingly." This resolution in like manner shapes the course to be taken by the Protestant Committee, and thus by the provision of the section, and the interpretation given to it by the Board, all questions affecting the usages and discipline of any religion are to be submitted to the exclusive judgment of the professors of that religion, and by them finally to be referred to the spiritual heads most competent to decide; but as an illustration of the perfectly harmonious action of the Board since its first formation, I may state that no case, that I am aware of, has ever occurred in which a reference to a committee under the 6th section of the Act has become necessary. I may add that, during a period of seventeen years, no single charge has been brought against the Board, or any of its decisions, on the ground of unfairness or partizanship in matters of religion.

I have dwelt thus long and in detail on the constitution and conduct of the present Board for two reasons—first, because I think it is the first and most important step gained towards the recovery and realization of charitable bequests that a board whose jurisdiction is to be resorted to should, both in its constitution and its uniform course of conduct, be one entitling itself to the confidence of the public; and secondly, I intend the observations principally for my Catholic co-religionists, from whom objections against the Board have almost exclusively proceeded.

I shall now shortly speak of the powers of the present Board. These are contained in the 12th section. The Commissioners are authorized to sue for the recovery of every charitable devise and bequest intended to be applied in Ireland, which shall be *withheld, concealed, or misapplied*, and they are to apply the same when recovered to charitable and pious uses according to the intention of the donor or donors. These are their entire powers; and from the

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language of the Act, it will be perceived that the Board is essentially and exclusively a board for recovery, and not for administration or control. It may be said that the power to apply according to the intentions of the donor involves and implies a power to administer, but the Commissioners have, for the most part, given a much more limited interpretation to the words of the section. They hold that the application is not to be a continuing application amounting to administration; they conceive that they are not in any sense administrators or trustees, save in so far as regards the property transmitted to them by the former Board by the 8th section; they are of opinion that the Legislature has not placed at their disposal any appliances or machinery for administration or control, and that their simple duty is to sue for and recover, and then to apply, through the hands of local trustees or administrators, what they have recovered, and nothing more, according to the intentions of the donors; that they are then *functi officio*, and that they cannot again interfere until some new case of withholding, concealing, or misapplying, in respect of the same charity shall have been brought under their notice. Notwithstanding this limited interpretation of their powers, there is now standing to the credit of the Commissioners in Government securities nearly a quarter of a million of money, most of it transmitted to them from the former Board, but still a large sum recovered by themselves which would have been wholly lost if they had not thus secured it. The interest of this large sum is remitted each half-year to local parties, chiefly clergymen of various religious denominations, to be by them applied in conformity with the intentions of the donors or testators. I need scarcely say that many cases have arisen, in which —acting on this limited interpretation of their powers—the Commissioners have refused to interfere. The power of "*cy-près*" application conferred by the 40th George III. on the former Board was designedly omitted from the 7 & 8 Vict., it having been represented to the then Government that it was inexpedient and dangerous to vest in a mixed Government Board the power of deciding what objects most closely approximated to those originally intended by a testator; and now in old cases, in which the intentions of a testator are to be varied, however slightly, the authority of the Court of Chancery must be invoked. While concurring in the general principle of the objection, I cannot help thinking that it would have been wise on the part of the Legislature to have invested the Board with a "*cy-près*" power in cases in which the amount of a donation, devise, or bequest was small, because, in effect, a resort to the Court of Chancery, always costly, eats up the entire fund; and the practical result is, that many small bequests are either wholly lost or wholly misapplied by reason of the expense to be encountered in having a scheme framed under the Court. That such a power would be safely intrusted to the learned, experienced, impartial, and conscientious men, who compose the present Board, no one who knows them could for a moment doubt. The present statute contains a provision similar to those contained in former Acts, requiring the Vicar-General and the Regis-

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trar of the Prerogative Court to forward returns of charitable donations and bequests to one of the secretaries of the Commissioners; but I regret to say that when the 20 & 21 Vict. c. 79, constituting the Irish Court of Probate, was passed, although it provided that the Judge of the Court of Prerogative should, under his new title of Judge of the Court of Probate, become an *ex officio* member of the Board, it did not, when altering and remodelling the machinery of the Court, re-enact the section in question, and there is now no department charged with the legal obligation of forwarding these returns. An arrangement, however, has been entered into with the Legacy and Succession Office of the Inland Revenue Department, whereby these valuable returns will in future be regularly transmitted to the Commissioners.

I will now proceed, as shortly as I can, to apply my observations to a practical purpose; and first, I think that the very reading of this paper is an important point gained towards the realization of withheld charities, because it conveys to that portion of the public who are in ignorance on the subject the information that there is in existence a public Board whose special duty it is not only to realize such charities, but to compel their proper application, and which is ever ready to discharge that duty. Knowledge is power, and to impart to those interested in the conscientious administration of charities a knowledge of the means whereby such administration can be secured is, in a manner, to bestow upon them the power of having them so administered. The Board of Charities does not come much under the eye of the general public, but carries on its operations for the most part silently and unperceived; hence its existence is comparatively little known, and its powers, and the means of setting those powers in motion, are still less so. Thus, secondly, it becomes a matter of great practical importance that it should be known that any person in the community is considered as having a *locus standi* as a complainant to the Board; that it is competent for any person who is aware of a charity being concealed, withheld, or misapplied, to make representation to the Board; and he may feel assured of two things—first, that his representations will always be attended to, and, if found correct, that they will be acted on within the Board's limited powers; and secondly, that his name will never, without his consent, be divulged. I believe many persons would be found to give valuable information respecting charities, were it not for an apprehension that the disclosure of their names would cause them to be regarded in the odious character of informers.

There are two causes which have always appeared to me to favour the concealment, withholding, and misapplication of charities. The first is best expressed by the familiar social axiom, "That which is everybody's business is nobody's business." It must be borne in mind that the Board of Charities has no authority of itself to originate inquiries. It cannot compel accounts, it cannot interfere until a charity has been actually concealed, withheld, or misapplied; it can

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only be set in motion by representations proceeding from some person or other: and in a large community, where each one has his own business to attend to, it is difficult to find any person outside the ranks of the clergy of all persuasions to take sufficient interest in a charity to become active in having its proper administration enforced; and on this general indifference unconscientious executors too often successfully calculate. There is a second cause which operates still more strongly against the faithful fulfilment of the charitable intentions of testators, and that is, that their bequests for charitable purposes are not sufficiently published; in other words, that they are not sufficiently brought home to the knowledge of those who are intended to benefit by them, and whose interest it is to see them faithfully carried out. As a general rule, the provisions of a man's will are known but to a limited circle, because, as a general rule, there are but few who are interested in making themselves acquainted with them; but on every principle of self-interest, those who actually take, and those who expect to take, pecuniary benefit under a will immediately set on foot diligent inquiries, and very quickly familiarise themselves with its provisions. Hence, an executor or administrator, however unwilling to pay personal legacies, knows that he is jealously watched by a host of vigilant legatees, and that there is nothing left for him but faithfully to discharge his duty; but to the poor who are to benefit by the charitable intentions of a testator, the will of their benefactor is too often a sealed fountain. Perhaps there is no friend to ask a question about their rights, or if, perchance, a clergyman or some other benevolent individual is found to advocate their claims, he will be answered that when the assets are realized and placed in course of administration, the charitable bequests will be paid; or he is informed that the assets of the deceased are not sufficient to defray all the claims upon them, and that both personal legacies and charitable bequests will have to abate rateably; and thus by a thousand false and frivolous excuses, an unconscientious executor too often eludes and baffles inquiries, and too accurately calculates that lapse of time, or change of circumstances, will secure him from further importunity and from ultimate detection. It is true that there is a provision in the 19th section of the 7 & 8 Vict. c. 97 which compels every executor and administrator with will annexed, within three months after obtaining probate or letters of administration, to publish in the *Dublin Gazette* three times successively every charitable devise or bequest contained in the will, the name of the testator, the date of the will, the name of the person or persons to whom such charitable devise or bequest is given and bequeathed, and the name of the person or persons appointed by the testator for the management thereof; but it appears to me that this provision is wholly inadequate to attain the object of publicity, for in the first place the provision of the section is either from ignorance, negligence, or design, more frequently omitted than complied with; and though there is a penalty of £5 against an executor or administrator for each neglect to publish, yet, as that penalty is recoverable by any person who may sue for it, in practice

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any person means no person, for no one will be found to trouble himself in such a matter; hence experience proves that while, in numberless instances, the provision of the section is wholly disregarded, probably not one instance can be adduced in which the penalties have been sued for.

But supposing even that the so-called publication required by the statute does take place, everyone knows that of all the papers which issue from the press the *Dublin Gazette* is the least seen and read by the general public, and hence that publication in its columns cannot secure publicity in the proper sense of the word. It seems to me, therefore, that much more is required to secure charitable bequests being brought under the notice of the public, and that this publicity ought to be brought about through the instrumentality of the executor or adminstrator of the will. The more action directly brought to bear upon an executor, the more that is required to be done by him in the discharge of his duty, the more he feels himself placed under an obligation to ventilate the charities under a will, the greater will be his sense of responsibility, and the greater his apprehensions that any neglect of duty on his part will be traced home to him and visited upon him. I would therefore require every executor to publish the particulars of every charitable bequest more than once in some one or more newspapers circulating in the locality or localities in which it was intended to take effect. I would require him to post, on three consecutive Sundays, on the doors of every church and chapel of the places in which the bequests are to take effect, an extract of that portion of the will which contains those bequests applicable to and intended for the poor; and as it but too often happens that the clergyman is the poor man's only friend, I would further compel him to forward a copy of that extract to the clergyman of every religious persuasion the members of whose flock or congregation were to be benefited. By these means an impression in favour of the charity would be created in the locality, a public opinion would be fostered, and an interest, partly benevolent and partly selfish, would be excited, which would make an executor feel that he was a jealously-watched man; and thus a sense of shame, and an apprehension of personal liability, would often compel a performance of duty where conscience would have failed to do so. But I would not stop here. At the expiration of twelve months after obtaining probate or administration, or at such other period as might be said to afford an executor reasonable time for realizing the assets of his testator, I would compel him to furnish directly to the Board of Charities an account showing the amount of those assets and that he had actually discharged the charitable bequests, or that the assets were insufficient to reach them after paying the debts and other liabilities of the deceased. For a neglect of any of these requirements I would impose a substantial penalty not recoverable by any person in the community, but to be sued for directly by the Board of Charities. I am satisfied that if suggestions such as I have now ventured to make were carried into effect, they would secure the

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proper application of many charities which would otherwise be withheld.

There is one class of charities which experience has proved to be the most difficult of all others to be realized: I allude to those which are deferred in their operation by the existence of a life or lives interposed by a testator. These are of frequent occurrence, and in many of them the property is irretrievably lost to charity. Sometimes the legatees or devisees live for many years. Meanwhile the charity is lost sight of; perhaps the executors to the will have all passed away, perhaps the fund or other property is wasted by the person enjoying the life use, or it is unconscientiously willed by him to relatives, who are either ignorant of its having been originally intended for charity, or, if aware of it, whose personal interests are all opposed to its being applied for that purpose. I could mention one or two cases in which the Board of Charities has, at this moment, great difficulties to encounter in tracing charity funds so circumstanced, and in discovering the person legally liable to the payment of it; and I could refer to another, in which the fund is, to all appearance, lost beyond all chance of recovery. It is extremely difficult to suggest a remedy applicable to such cases. Undoubtedly the suggestions I have made to secure publicity would go some way towards it, more especially if the intervening life happened to be a short one. Perhaps another would be to compel the person enjoying the beneficial life interest to report to the Board of Charities, from time to time, the nature of the property, and, if money, the kind of securities in which it is invested. Means ought, also, to be taken by which the death of the party should, as speedily as possible, be notified to the Board of Charities. At all events, it would be of the utmost importance that the wisdom of Parliament should be applied to devise some means to save this class of deferred charities from being lost.

As a short history of the Law of Charities in Ireland, this paper would be incomplete if it did not refer to another Act, passed in the 52 Geo. III. c. 101, which is generally known by the name of Sir Samuel Romilly's Act, and is still in force. Its title is, "An Act to provide a summary Remedy in cases of Abuses of Trusts created for Charitable Purposes." It enacts, that in every case of a breach of any trust, or supposed breach of any trust, created for charitable purposes, or wherever the direction or order of a court of equity shall be deemed necessary for the administration of any trust for any charitable purpose, it shall be lawful for any two or more persons to present a petition to the Lord Chancellor, Master of the Rolls, &c., stating such complaint, and praying such relief as the nature of the case may require. The court is then to hear and determine the matter of the petition, and the order of the court is to be final and conclusive, unless within two years an appeal shall be brought against it to the House of Lords. A proceeding under this Act is but seldom resorted to, for many reasons. In the first place, private individuals are, generally speaking, unwilling to put

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themselves forward as petitioners in matters of this kind, among other reasons, from an apprehension that if it shall be decided not to have been a proper case for their interference, they might become personally liable for the costs; in the second place, from the decisions upon the Act having gone to the extent of establishing that the persons presenting the petition must have some interest in the charity; thirdly, from the circumstance of the Act making it compulsory to obtain the allowance and certificate of the Attorney-General to the petition before it can be presented; and lastly, that such cases are almost invariably brought forward by the Board of Charities or by the Attorney-General, upon an information at the relation of some public body or private individual. There is, however, a petition at present pending under this Act for the purpose of carrying out the trusts of a will in the county of Meath, of which the Commissioners have received notice.

In the year 1857 an Act was passed, known as the "Fraudulent Trustee Act," 20 & 21 Vict. c. 54, the provisions of which are applicable to fraudulent breaches of charitable trusts; and such breaches are made criminal offences and are punishable by penal servitude for three years, or imprisonment for two years with hard labour. I need not further refer to the provisions of this statute; but I cannot help thinking, that if one or two unconscientious trustees were brought to justice and condign punishment under it, it would have a salutary effect in deterring others from robbing the poor of their rightful inheritance. Much more could be written upon the subject of charities and their administration; but as the time for the reading of a paper has been wisely limited, I shall conclude by stating that no one can read the Act of 7 & 8 Vict. c. 97, establishing the Irish Board of Charities side by side with the 16 & 17 Vict. c. 137, which incorporates the English Board, and which was amended and enlarged by the 18 & 19 Vict. c. 124, without being struck by the very limited powers conferred by the Legislature on the former Board compared with those given to the latter. The able evidence given by the present Master of the Rolls in Ireland, before the Mortmain Committee in 1852, pointed out some of the defects of the Irish statute, and the Report of the Commissioners of Endowed Schools referred to many others. The English Charity Commissioners exercise large powers of inspection and control, and have abundant appliances and a numerous staff at their command to make them effectual. The Irish Board has none of these powers, and no machinery for the exercise of them; but it must be recollected that the English Board is a paid one, and costs the country about £16,000 a year, whereas the Irish Board, with the exception of two paid secretaries and an accountant, is unpaid, and is maintained at a cost of about £1,300 or £1,400 a year.

It is right I should state, that since this paper was written and forwarded to London, an Act has been passed under which the Judge of the Court of Probate has ceased to be a member of the Board of Bequests. It was found that the Judge of that Court was

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sometimes called upon to adjudicate judicially in cases in which he was a party in his corporate capacity as commissioner. This led to some practical inconvenience, and there is a case now before the Board in which his capacities came in direct collision, and was the cause of the passing of the Act. The Act just passed recites that inconvenience, removes the Judge from being an *ex officio* member of the Board, and empowers Her Majesty in Council to appoint a member in his stead. I cannot forego the opportunity of expressing my regret that this Act of Parliament has deprived the Board of Bequests of an able, active, clear-sighted, and assiduous member, and one whom it will be difficult to replace by as efficient a successor.

The Landed Estates Court. By the Right Hon. James Whiteside.

To remove obstructions to the transfer of land has, for centuries, been an object favoured by the enlightened lawyer and more strongly advocated by the statesman. The Real Property Commissioners effected considerable improvements by their suggestions; since they reported, efforts have been made in the Legislature to shorten conveyances, to substitute a few plain words for legal jargon. But these well-meant exertions have failed to produce any advantage commensurate to the magnitude of the evil to be remedied. Partial good has been, no doubt, accomplished. I may give as an example of this partial good what was stated by Sir Hugh Cairns, in the House of Commons, during the discussion on the Landed Estates Court Bill, which is the subject of this paper. It illustrates forcibly what may be gained by a steady pursuit of a great purpose—viz., the amendment of our laws.

"The House might remember that a measure was passed some years ago, under the auspices of Lord Brougham, which put an end to a form that was gone through on every sale of an estate, namely, of assigning what, in technical phrase, were called 'satisfied terms,' attendant on the estate. With the view to ascertain how much was saved by that one Act of Parliament, he consulted a most eminent conveyancer—the most eminent, he might perhaps say, in his department—who went very carefully into the matter; and the result showed that, upon a moderate calculation, the saving to the landed property of this country by that comparatively unimportant statute could not be less than £300,000 a year. The expense of assigning those 'satisfied terms' was a mere fragment in the cost attending the sale and transfer of land; and if they might ever look to the application of a system by which titles to estates could be given in this country safe as those conferred under the jurisdiction of the Incumbered Estates Court in Ireland, he ventured to think that every land-owner in England would increase the fee-simple value of his property by a very considerable sum—probably from five to ten per cent."

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In Ireland, owing to peculiar circumstances which need not be dwelt upon, the landed property of the kingdom became more generally and heavily incumbered than in England; and while the Court of Chancery decreed sales promptly enough, it was found exceedingly difficult to work the decree and safely and quickly transfer the land. It was here the Court failed—not in the ascertainment and adjudication of rights. Therefore it occurred that the chief difficulties arose after the decree was pronounced, which was vulgarly supposed to have removed them. A scheme was devised which it was believed would meet the pressing evil. That scheme was realized by the Incumbered Estates Act, the principle of which has been ascribed to Mr. Christie, to Sir John Romilly, Lord St. Leonards, and Sir Robert Peel.

This machine began to operate at first harshly, but powerfully. A word upon its principle and its effects.

Whatever the Court sold was irrevocably sold, and a title made which could not be impeached. If the estate was incumbered within the meaning of the Act, the jurisdiction of the Court attached, the land was sold. The Court took up the work left unfinished by Chancery, and, by the rapid sale, enabled Chancery to execute its decree. The complaint made by many was, that the quantity of land cast into the Court, and so upon the market, was so large, that prices were reduced so low as to injure materially the owners and the puisne incumbrancers. The Court being created to meet a pressing evil, was but temporary in its provisions, having been several times renewed. The first Act constituting the Incumbered Estates Court was passed on 28th July, 1849; there were four subsequent Acts, extending the time allowed for proceedings under the original statute, which was also, in slight particulars, amended. On the approach of the expiration of the last Continuance Bill, it became my duty to consider what course should be taken in reference to the all-important subject of the sale and transfer of land.

It will be observed that the principle established by the Incumbered Estates Court was, that there should be an indefeasible parliamentary title given to the purchaser of the land sold under the orders of the Court; it was not the object of the Court to effect the simplification of title. We had the experience of the past, the necessities of the country, the advice of the learned, and the reason of the matter, to guide us. Nor ought we to omit the intervening able Report of the Commissioners on the Registration of Title in England. We had in Ireland an admirable Ordnance Survey, a general valuation, and a general registration of assurances;—all materials useful for our purpose. The problem was to create a tribunal which could be safely intrusted with the powers of simplifying *titles*, and also of undertaking, completely, the sale and transfer of land, whether by virtue of contract, or under the adjudication of any Court, (including Bankruptcy and Insolvency,) no matter what the interest to be sold or conveyed.

After many discussions in Parliament, the Bill, which was intro-

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duced May 4th, 1858, received the Royal Assent on 2nd August, 1858, by virtue of which the Landed Estates Court was established, under the able, learned, and indefatigable men who had administered the former measure. They have framed rules well conceived and constructed to carry out the Act; they can best explain what difficulties they have encountered in exercising this new jurisdiction.

The care, the caution, the firmness, and the courtesy, with which my learned friends, the Judges of this important tribunal, have acted, are beyond praise. They have gained the confidence of the entire country, and they deserve it.

I wish them to give us now their testimony as to the value of this new jurisdiction.

Before I conclude, I will contrast briefly the provisions of the old, and the amendments of the new, statute for sale and transfer of land.

Under the Incumbered Estates Act, the power to sell land or leases was confined to particular interests in the land or lease, which should be subject to incumbrances of a prescribed nature and amount. The owner even of an incumbered property could formerly resist its sale if no part of it was subject to any receiver, or in possession of any incumbrancer, and if the interest and annual payment on the charges affecting it did not exceed one half the net income.* The owner of a property, no matter how trifling the incumbrances upon it, cannot *now* resist a sale. Heretofore the Court could only sell land upon which there existed incumbrances affecting or created by the owners of estates of inheritance therein, or leases in perpetuity, leases of which not less than sixty years were unexpired, or church or college leases upon which a fine had been paid.† By the Act now in force, any property, and any kind of *interest in land*, may be sold by the owner or incumbrancer. The new and important provisions of the recent Act may be thus shortly stated:—

1st. To sell property wholly unincumbered.

2nd. To sell settled estates under the 19 & 20 Vic. c. 120.

3rd. To give a conveyance with an indefeasible title, in cases of sale by private contract.

4th. To enforce (in connexion with that proceeding) specific performance.

5th. To sell all property decreed to be sold in Chancery or ordered for sale in the Court of Bankruptcy or Insolvency, unless otherwise directed by these Courts.

6th. To give the owner of an estate, whether incumbered or unincumbered, a declaration of indefeasible or parliamentary title, determining the leases, tenancies, or incumbrances to which such estate is subject.

These are the main features of novelty in the Landed Estates Court Act; and it is impossible to over-estimate the magnitude of the change thus established in our legal policy.

The Act, which, it will be remarked, applies only to the absolute

* 12 & 13 Vict. c. 77, s. 33. † 12 & 13 Vict. c. 77, secs. 19, 34.

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owner of land provides that where any owner of an estate in *fee-simple* in land, whether subject to any fee-farm or other perpetual rent, desires to have his title thereto investigated by the Court, and a judicial declaration made thereon that he has a good and sufficient title to the same, with view to future sale, mortgage, or registration thereof, or other objects, he may apply to the Court for that purpose; and the Court will investigate the title and give such notices, by advertisement or otherwise, as the Court may direct, and otherwise proceed in like manner as if a *sale* of such land had been sought by the owner; and if the title appears satisfactory to the Court it may make and sign a written declaration to that effect, which shall be sealed with the seal of the Court, and shall be conclusive, and may be registered.

I consider this measure to fix an epoch in the life of a nation, —certainty, cheapness, confidence, are secured, and the purchaser and the seller are equally benefited; the possessor of the land enjoys it and improves it, and disposes of the whole or part with ease and profit. The conveyance by the Court is as short as that used in the Saxon times; and the very signs of the brief conveyance put to shame the prolix, tautologous, and perplexing conjurors of our age. Let me hope the English nation will look into this question, examine the principle, discover the prodigious advantage to the State of such a law, and adopt it.

The Landed Estates Court: its History and Prospects. By J. A. Lawson, *Solicitor-General for Ireland.*

My design in the present paper is to show that we have in operation, in Ireland, a system which has successfully solved the problem of making the title to landed property safe and easily transferable. As the foundation of the whole subject, I shall first make some observations to show that it is desirable that the title to land should be secure and readily transferred; I shall then glance at some of the systems which have been suggested for accomplishing this end; and, lastly, I shall call attention to the results of the experiment which has been tried in this country, and make some suggestions as to its future working.

This question of the title to land has attracted much attention within the last few years; and although it properly ranges under the Department of Jurisprudence, there are few departments of Social Science with which it is not connected directly or indirectly. A principle hitherto untried and unknown in our jurisprudence, viz., the giving to a purchaser of land an indefeasible title, has been introduced into Ireland; and in order to guide us in making any future experiments, or in considering the prudence of extending this principle, it is absolutely necessary carefully to review and consider what has been done.

The idea of facilitating the sale and transfer of land is comparatively a modern one. In our constitution, the feudal and commercial

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principles have had a long struggle with respect to the alienation of land. The effect of our common law was to render it difficult of alienation, and to designate by certain rules the persons who were to succeed to the inheritance; the serfs who cultivated it almost formed a part of the soil, *adscripti glebæ*, and, like the oaks, lived and died generation after generation on the spot which their forefathers occupied. The proprietors themselves endeavoured to entail the estates and preserve them in their family as at once the source and the symbol of their greatness, and the law aided them in this effort. The power of the owner of land to name by will his successor was only introduced into our law in much later times—*i. e.*, in the reign of Henry VIII. According as the commercial element increased, and personal property, which was at first deemed unworthy of notice, began to accumulate, the facility of disposing of it, and the absolute dominion enjoyed by the owner of it, naturally led to a gradual extension of the same principle to real property and to a relaxation of those fetters by which its transfer had been clogged. The monied classes desired to invest in land, and the landed proprietors desired to be able readily to raise money by sale or mortgage. The result is, that it is now regarded almost as an axiom in economic science that the transfer of land should be free and the title secure. Faint struggles are still made in support of the old principle, and it is argued that there ought to be some property not capable of being readily dissipated or parted with; but such arguments carry no weight even with landed proprietors themselves, for we do not regard as articles of value things incapable of transfer no matter how useful they may be to their possessor, and the value of a thing depends amongst other elements upon the facility of disposing of it: the possessors of land, therefore, see very clearly that the percentage of loss or gain consequent on difficulty or facility of sale is capable of being estimated and ascertained, and that every removal of impediments to sale and of doubts as to the security of title adds so many years' purchase to the estate. The interests of the public as well as of the landowners are involved in this question, for it is contrary to the public good that a person should be compelled to retain the possession of an estate which his circumstances render it desirable he should part with, as he cannot adequately discharge its duties, and it is also expedient that those who have money to invest in land should be able to do so safely and readily. The loss, however, consequent on delay or difficulty of making out title, the expense of the deduction of it, and the depreciation caused by real or supposed defects in title, all fall upon the seller, and therefore, in a pecuniary point of view, the landowners are the persons interested in this question. I know no reason why property in land should be looked upon with disfavour, or why there should be denied to its owners the power of selling it to the best advantage, which is secured to the owner of every commodity so far as the nature of the subject-matter will admit of it.

Starting, then, with the principle that the title to land should be

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capable of safe and easy transfer, different minds have arrived at very different conclusions as to the mode of working out that result. Persons who have not studied the subject say they see no reason why land should not be sold as readily as a table or chair, and transferred like stock or railway shares; but this is obviously impossible from the very nature of the thing. Land is not capable of passing like a chattel, by manual delivery; the possession of it does not necessarily imply ownership; the ownership is not simple, but complex, and susceptible of infinite modification. In the same piece of land there may be many interests, each commencing and terminating at different periods, and each conferring rights of different degree and character. The primary ownership or fee-simple of the land may consist in the reception of a small rent; under that there may be an interest represented by the receipt of a large rent, and yet not giving a right to the possession; and this interest may be the subject of family settlement, upon which jointures, portions, debts, and legacies may be charged: thus each interest, down to and including that of the occupying tenant, gives rise to a distinct set of rights. Thus, the rights to the mines may be in one person, the right to timber and game to another; and others who have no actual estate in the lands may have rights and easements over it of a very valuable kind, not capable of being ascertained by an inspection, but growing out of usage or contract. Now, as long as this state of things exists, it is impossible to realize the idea of making land transferable like a chattel.

To meet these difficulties, it is suggested that there should be a registration of title to land in books to be provided for that purpose, and that the land should be transferred by a simple entry in this book. Now it may be that such a system might be introduced into a new country where the land was in the hands of the Government, and the laws were framed with that view; but in these countries I hold that it would be utterly impossible effectually to establish such a system. In order to set it going, it would be necessary that all the land in the kingdom should be entered in books with the name of its owner. This would involve an inquiry into all the titles, and the settling of every dispute with respect to the numerous interests in the land—a process which none of us would live to see completed. To make it compulsory would be a grievous hardship; if left voluntary, few would submit their titles to the ordeal. Suppose it accomplished, on every death or assignment, or other change of ownership, questions would arise as to the person entitled to be registered—*e. g.*, registered owner dies, and the registrar is to find out the successor, and enter his name upon the register; his widow appears, and claims to be registered; she produces a will made by her late husband in her favour. The supposed heir-at-law then comes in; he is entitled, for the testator was not of sound mind at the time of the alleged will, and his wife obtained it by fraud and undue influence. Another claimant appears, and says that is very true, but then there is an earlier will in his favour. Another claimant says the will was not duly executed, and he alleges himself to be heir-at-law, for he is prepared

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to prove that the father of the supposed heir-at-law had contracted a marriage in Scotland twenty years before, and that therefore his marriage with the mother of the supposed heir was invalid. I could multiply such questions—who is to determine them?—they must be determined before the owner can be put upon the register—not surely a registrar in an office—they must be decided by the tribunals of the country.

It being, then, obviously impossible that there can be a simple transfer by entry in a book while the land is thus allowed to be dealt with, some propose not to allow, or not to recognise, such dealings with land. It has been suggested, that only one or two kinds of estates in land should be suffered to exist, and that the law should recognise only one owner competent to sell and receive purchase money, and that all other claims should attach not upon the land, but upon the person or conscience of the registered owner. This would be giving an absolute power of disposition to a person not the beneficial owner; and in order to guard against the frauds and losses which would inevitably result from such a system, an elaborate machinery of caveats and distringases has been suggested, to supply means by which the real owner may check the dealings of the nominal or registered owner. Now, apart from the new complication which this would introduce, and its unsatisfactory nature, I entirely object to it as unsound in principle. The present system of creating many interests in land has been the result of the free action of individuals, who find it for their interest and convenience so to deal with it. Why should the law arbitrarily interfere to prevent their creation? The law does not compel any man to settle, or charge, or parcel out his estate; he may retain the fee-simple in himself. It recognises the creation of charges and interests, but does not compel persons to create them. It recognises and enforces a family settlement, (subject to the rule against perpetuities,) but no man is forced to settle, or mortgage, or lend his estate, or give an annuity upon it, or create reversionary or contingent interests in it; but he often does so for his own convenience. It would therefore be entirely contrary to sound principle to prohibit the owners of land from dealing with it as they have done, and would detract very much from the value of land as an investment.

Land, indeed, appears designed to perform in our social system those very functions of which it is proposed to rob it by such legislation. Every economist knows the three great sources of revenue—rent, profits, and wages. Rent is the representative of the superior producing power of natural agents; its increase depends not so much on the exertions of its proprietors, as on those of the other producers. Every increase in general prosperity, every improvement agricultural or manufacturing, and even every social improvement, tends to increase the revenue called rent; and thus, though the quantity of land is constant, its owners preserve their relative proportions to the other classes of society, and a constantly enlarging field is afforded for the investment of the savings of other classes in

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the purchase of land. Why should this important and increasing class be fettered in the disposition of their property? and why should the provision made for families or creditors be transferred from the land itself to the personal security of individuals?

Time would not permit me to enter further into the details of the proposed system of registration—they are all open to the vice which I have mentioned, that they restrict the power of dealing with and charging land; the problem to be solved is to reconcile the unlimited power of charging and incumbering land at present enjoyed with facility of sale and security of title. These systems, instead of solving that problem, seek to limit the power of incumbering, and thereby deprive land of one of its most useful attributes as an investment. Besides, all such systems are speculative; no one can predict all the difficulties and complications to which they would give rise.

I propose now to show that we have in this country a cheap and effectual mode of transferring land, with secure title, without interfering with the present exercised dominion over the land.

The operation of the Incumbered Estates Court, or, as it is now called, Landed Estates Court, is simply this—it investigates title and pronounces judicially upon it: having satisfied itself that a good title exists, it gives to a purchaser an indefeasible title. If no such court existed, an investigation of title would take place upon every sale of consequence; but the result arrived at would be uncertain and not binding upon any person, nor would it dispense with the repetition of the same operation upon another sale. Is there anything unreasonable or unjust in this law? It is the creation of a tribunal empowered to decide upon a question of law, viz., who is the owner of an estate. The law which raises the question also solves it. It is now ascertainable, as a matter of fact, whether this has been done effectually and without injury to private rights.

The jurisdiction was, as is well known, originally created in order to sell incumbered estates, they being unsaleable by the ordinary means in consequence of the state of this country in the year 1848; and in the first stage of the proceedings of the Court petitions were, for the most part, those of incumbrancers. Gradually, the proportion of owners' petitions increased, and we find that the entire number of petitions presented from the commencement to August, 1858, when the Incumbered Estates Court was changed into the Landed Estates Court, was 4,413

Of these 800 were supplemental, withdrawn, and dismissed petitions	800
In all	3,613
Of which the number presented by owners was . .	1,363

Of the first one hundred petitions only six were presented by owners; of the last one hundred, forty-seven were presented by owners.

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The commission was originally only for five years, it was extended from time to time, and in 1855, when the Court had been seven years in operation, a commission was issued by the Crown to inquire whether it was expedient that this should be made permanent.

It appeared before that commission that owners actually created incumbrances upon their property in order to be able to sell it with a parliamentary title. There was obviously no reason why favour should be shown to an incumbered proprietor more than to an unincumbered, and therefore the commission reported that the jurisdiction should be extended to all estates sold under the Court. That report also recommended the giving of this jurisdiction to the Court of Chancery, and the introduction of certain reforms into that Court which have not yet been carried out by legislation. The Landed Estates Act, 21 & 22 Vict. c. 72, altered the name of the Court, made it permanent, and gave it jurisdiction to sell estates whether incumbered or not.

It also enabled an owner of an estate, although he did not want to sell, to obtain a declaration from the Court of indefeasible title; and that Act, for the first time, imposed a duty upon estates brought into the Court of 10*s.* per cent. when the value was less than £10,000, and £1 per cent. where it amounted to or exceeded £10,000. It seems both unjust and impolitic to render a large estate subject to a greater percentage of duty than a small one—it is opposed to the analogy of other Acts; for instance, in the Succession Duty Act the percentage is uniform, no matter what the magnitude of the estate may be. There is no doubt that this checked the operations of the Court; and the matter having been complained of very much, it has been amended by an Act of this session, which imposes a uniform duty of 10*s.* per cent. on all estates.

The amount of business transacted in the Incumbered Estates Court from its commencement to its close was as follows:—

Petitions	4,413
Absolute orders for sale	3,547
Number of conveyances executed	8,364
Number of Irish purchasers	8,258
Number of English, Scotch, and foreign purchasers	324
Gross proceeds of sales	£23,160,000
Of which was paid by English, Scotch, and foreign purchasers	£3,160,000
Leaving £20,000,000, representing Irish capital invested in the land.*	
Number of Chancery suits stopped	1,298

From a tabular statement of the amount of business done from the commencement down to August, 1861, which has been supplied to me by Judge Longfield's examiner, it appears that 1,945 petitions were fiated; 1,213 titles read; 1,121 estates

* All these funds were distributed.

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sold for £12,324,977; 1,045 schedules filed, and £12,103,806 paid out.

The next question of interest is what has been the expense of these operations. A statement of the costs, furnished from the taxing officer shows an outlay on that account of £813,790, including the costs of surveying and advertising. The costs vary very much, but their average is about £3 10*s*. per cent. on the purchase money. This is rather above than below the amount. But the greater part of these costs are not properly legal costs, but costs of surveys, valuations, printing, and advertisements, which form about 30 per cent. of the costs of sale. Excluding the costs of advertisements, the legal cost would not be more than two per cent. on the purchase money. And according as the system is extended, and the Court becomes the medium for carrying out contracts of sale, this item of expense will be reduced.

When the property has been once sold under the Court, of course, the costs of a resale will be much less, for there will be no searches or investigations of title anterior to the conveyance by the Court. The result of the entire operations of the Court has been, that there is a parliamentary title established to about 3,200,000 statute acres of Ireland, or about one-sixth of its area, and a sum of twenty-eight millions of purchase money has been distributed.

I have ascertained, that since the Landed Estates Act passed, only six declarations of title have been completed, which is not to be wondered at; the duty and the costs have prevented it. A man in possession of an estate will not, without some impelling motive, incur the expense of obtaining a declaration that his title is good.

Now, what do we learn from these figures? When the Court was started it was confidently stated that one man's estate would be sold to pay another man's debt, that mistakes would be made, and properties confiscated; but we also learn some other lessons which are useful to bear in mind when we look at proposals for registration of title. A voluntary registration would be inoperative. The process of giving parliamentary title is a slow and gradual one, for in thirteen years only one-sixth of the acreage of Ireland was passed through a court fully occupied. It remains that I should now make some suggestions which may lead to a further extension of the benefit of this jurisdiction.

Two matters I wish to call attention to—

1. The improvement of our registry office.
2. The power to borrow money by debentures.

This jurisdiction is wholly independent of any system for the registration of deeds and would be just as applicable to England as to this country, though there is no general registry there; but we undoubtedly possess two advantages which they have not in England: —our Registry and our Ordnance Maps.

See what immense benefits flow from registering a parliamentary conveyance of land! All the earlier acts upon the registry relating to this land are rendered useless and unnecessary to investigate, and we

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have a new terminus to start from. If we had a parliamentary title to all the land in Ireland registered, we should be saved a world of trouble and expense in searching the registry back; but at present, in every investigation of title, we must rely upon the registry: and the Landed Estates Court cannot give a title till all the searches have been furnished and examined. Great complaints have been made, and justly made, of the delay and difficulty in obtaining the searches, and of the unnecessary complexity of the details of the Registry Office.

To enter into this question would require a separate paper; and would lengthen this paper, already too long.

I venture to think, however, that some reforms in the law of the registration of deeds in this country are so obvious, that they only require to be stated. At present, registry is effected by a memorial which must be prepared and executed with certain formalities, both numerous and unnecessary; and in case any of these is omitted to be complied with the registry is bad.

Many of these might be dispensed with, and, in my mind, a memorial ought to consist of a short abstract of the deed, giving truly and substantially its operative parts. It should be the duty of the registrar to see that the memorial was framed in compliance with the Act, and to reject it if not; but when once his certificate of registry is given, this should be conclusive that the deed was properly registered.

In the next place, I think that the registry by means of the Ordnance map may be safely adopted. Colonel Leach has shown that this is practicable, and has suggested the introduction of printing into the office, in which I concur; and thirdly, I think the registry should be made a department of the Landed Estates Court and that all its details should be regulated by general rules, to be issued by that Court.

The next suggestion I would make to give full effect to the operations of the Court is, that the system of issuing land debentures, proposed by Judge Longfield, should be adopted. The details of the proposed plan will be found in a paper read by him and published in the "Transactions of the Dublin Statistical Society." The outline is, that all persons buying under the Landed Estates Court, or obtaining a declaration of title, should be empowered to have debentures to the amount of half the value of the estates, as ascertained by that Court. It is not proposed to make it compulsory; but to leave it perfectly optional. The result would be that these debentures would be perfectly well secured, would afford a cheap and easy mode of borrowing money on the security of land, and a ready investment. The effect doubtless would be, if the system became general, greatly to interfere with professional gains; but of that I do not recognise the right of professional men to complain, if the change be one beneficial to society at large.

The result of the whole may be thus summed up. An experiment was tried in times of great and extraordinary difficulty, but for which

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it would never have been ventured upon. The experiment succeeded, and the temporary expedient has been transformed into a permanent institution. That institution has worked well, and has conferred immense benefits on this country. I see no reason why a similar system should not be established for the rest of the United Kingdom.

Registry of Deeds, (Ireland.) *By* HENRY T. DIX, *Solicitor.*

THE subject of the registry of deeds appears to me to be eminently a practical one, and one upon which no one should be so well qualified to speak as a solicitor. It is the solicitor who draws the deed, prepares the memorial, registers the deed, and makes the necessary searches in the registry office for title; in fact, through whose agency every advantage of the office is used by the public. The knowledge, therefore, that others acquire by inquiry and investigation he learns in the ordinary practice of his profession, and I cannot help feeling that information thus communicated is more calculated to give birth to practical views of the subject than when acquired through the medium of inquiry, no matter how painstaking and intelligent. I do not, in the present paper, propose to enter into the question of the registry of deeds in general, upon which so much has been said and written, and so many and various opinions have been expressed. Nor do I mean to discuss the practicability of the various schemes of title registry, by which it is said land may be made as easily negotiable, and as facile of transfer as a pound of tea or sugar. I shall confine myself merely to the consideration of the Registry of Deeds Office in Ireland, a subject of much importance to the Irish community, and which has long been a source of complaint to the legal profession and to the public in this country.

Every subject presents a different aspect according to the point from which it is observed; but to me, as a professional man, the subject under consideration naturally divides itself into two parts, viz., the registry past and the registry future—namely:—First, the condition of the books of the office from the commencement of the registry to the present time, which occasions great delay and consequent inconvenience in making title to land; secondly, the reform or amendment of the system of registry, so as to prevent similar consequences in the future. No matter what may be done in the way of reform for the future, it will not overcome the difficulties of the registry past, which presents a constant obstruction and creates vexatious delay in obtaining searches out of the office. True, in time, say sixty or a hundred years, the public would derive great benefit from any improved system of registry; but what is to be done in the mean time, during which the only present benefit to be derived by the change would be that more clerks would be left at the disposal of

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the registrar, to pull up the present arrears in the business of the office? I am of opinion, therefore, that the first matter to be considered, and to which immediate attention is required, is the regulation of the books of the registry past, so as to facilitate searching, both by the officers and the public. This is obviously a mere matter of expense; and I do not think, when the inconvenience to the public is so great, and considering the large amount which the office has contributed to the public revenue, (estimated by Mr. Lane, in his report, at £34,000,) there should be any hesitation on the part of the Government in yielding the amount necessary for this work. The chief cause of delay in searching arises from the condition of the indexes of the office, the greater part of which are so imperfect, and so deficient in the information necessary to the searcher, as to render an inspection of the memorial necessary either in the transcript or original. The ordinary and most usual kind of search is for acts by A B to affect the lands of C D, say in the county of Cork. In making such a search, if it be for a distant period, the searcher has first to search old parchment books containing the names of denominations of land arranged in counties, until he finds the lands in question, and he then looks to the acts or particulars of the deeds affecting that townland. These particulars, which are written in a close, and sometimes very illegible hand, and often obliterated from frequent use, are not in lines, one after another, but in continuous order, thus:—"Browne to Smith, b 568, p 144, No. 685,397; Jones and another to Robinson, b 661, p 138, No. 691,348; White and others to Evans, b 664, p 200, No. 978,231, &c., &c." From the above illustration you will observe that, independently of the want of proper arrangement, there are in these indexes no Christian names stated, so that if the searcher is looking for acts by James Browne, he must refer to the memorial itself, at great loss of time, for every act by every one of that surname. Nay, more, the individual or individuals above described as "another" or "others" may, under that designation, be the very person he is searching against, and in every such case he must consult the memorial also. But his searching does not end with the "Lands Index;" he must also make a search in the "Names Index," lest acts by the person searched against, either through irregularity in the office or imperfection in the memorial, should not have been entered against the lands which they were intended to affect; or, lest such an act might appear as what is termed in the office "a general charge," in which the lands are described as "all the lands included in a certain deed, &c.," or "all the estate of the said A B in the county of Cork." A similar deficiency of information to that which occasioned a reference to memorial necessary in the "Lands Index," produces a similar result in the "Names Index" for the same period, the entries in which run thus:—

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Grantor.	Grantee.	County, or City in which any of the premises are situate.	Year of Registry.	Book, &c.
Browne, J.	Smith, E.	Co. Dublin.	1808.	B 680, No. 358,910

From the above entry, it might be supposed that the only lands included in the deed so registered were situate in the county of Dublin; but the experienced searcher knows that, within a certain period, only the first county in the deed is stated in the index, and this deed may also contain lands in the county of Cork, to satisfy himself on which point he must refer to the memorial itself. Some of the older "Names Indexes" do not even state the county in which the lands included in a deed are situated, or any kind of information about them. Of course, while there is such time wasted through the imperfection of the indexes, it is impossible for the arrears of searchers to be got through, and I therefore propose, that the old imperfect indexes of both lands and names should be re-copied in a large legible hand, such as the modern ones are written in, and that in these copies the deficiencies I have mentioned should be supplied, all the counties in the deed being stated, the Names Index to be arranged in dictionary order, so that all the acts by persons of one name should appear together, occupying a very small space, to the great saving of the searcher's time.* Many of the "Names Indexes," such as I refer to, in dictionary order, are already copied, and lying useless on the shelves of the Registry Office for want of comparison, so that a great part of what I suggest may be accomplished by the employment of a few comparing clerks. Another portion of the arrears of the office has arisen in the transcription of the memorials; but, as the memorials untranscribed are of a comparatively recent date, and the original memorials can be referred to when necessary, I think the arrangement of the indexes of preferable importance. However, I see no difficulty in both being done contemporaneously, as the transcription could be made by mere scriveners, or writing clerks, employed for the occasion, while the arrangement of the indexes would require to be done by clerks of some experience in the office. Such clerks, I anticipate, will be left free for the performance of that task, if the arrangements which I propose in the second branch of my subject, to the consideration of which I will now proceed, are carried out.

The second part of my subject—namely, the improvement of the

* As the re-copying of all the books in question might prove rather an Herculean labour, I would suggest that the latest of the indexes in which the deficiencies I have referred to exist, should be the first re-copied, and if it is found that searches are rarely required for the more remote periods, the older book need not be re-copied.

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future system of registering deeds in Ireland, has engaged the attention, elicited the ingenuity, and exhibited the theoretical capacity of so many, that I almost hesitate to enter upon it. In doing so I may be expected to say something of the various schemes for the improvement of the registry which have been proposed from time to time. This, however, I can only do in a very limited manner in the present brief paper, merely touching upon some noticeable points of each. As to the proposed scheme of registration of deeds by the townlands of the Ordnance Survey, I believe it to be wholly undesirable and inconvenient. The titles of the mass of Irish estates are held under deeds describing the lands by names different from those used by the Ordnance; and the adoption of new names now would be fraught, not only with difficulty, but danger to the owners of landed property in Ireland. The denomination of townlands is, besides, too large a designation for the purpose of registry. Every townland almost has its numerous sub-denominations, which have arisen (and such will still arise) from the separate proprietorship of its different portions. It may all belong in the base fee to one proprietor, but, if a large townland, it has been probably leased nearly a hundred years ago, in different portions, for lives renewable for ever. The tenants to whom these leases were made have thus acquired a freehold, and by the operation of "the Renewable Leasehold Conversion Act," their descendants have acquired an estate in fee-simple and inheritance in their own part, which for distinction they have called by a different name. Under this estate in fee-simple there may be another derived in the same way. The hardship and inconvenience of obliging these parties, tenants and sub-tenants, to adopt the denomination of the whole townland, and to relinquish the description which forms the distinction of their property from their neighbours, appears to me sufficiently obvious. Besides the above objection, a portion of one townland is often brought into the demesne of an adjoining proprietor, and so loses its former designation. Again, there are many cases in which the proprietors of estates have never had their land laid down with the Ordnance Survey, and would not abide by its boundaries, which, so far from being held to be infallibly correct, are not, under the statute which authorized it, made evidence in a court of law. But let us suppose that this system of registry by townlands of the Ordnance Survey was carried out, what would be the real advantage gained by its operations? In the present system of registry of deeds in books of counties divided into baronies, in alphabetical order, there is really comparatively very little time occupied in a search; all the lands in each barony which begin with one letter being grouped together, some letters in a five years' index occupying but a few lines, and none more than a few pages. But upon the townland principle every act affecting a large townland of perhaps 5,000 acres, involving the title to its different sub-denominations, now distinguished by their distinctive names, must be crowded in under that head; so that to find the act affecting one acre you have to search over the acts affecting 5,000 acres. To illustrate this objection:—In many large town-

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lands the owner in fee has, as I have mentioned, leased portions off the townlands for leases of lives renewable for ever, and subsequently executed fee-farm grants, converting them into fee; yet if I require to search for acts by him to affect one of these portions (a common case) I must refer to every lease and fee-farm grant by him affecting the whole townland, with the other portions of which I have nothing whatever to do. If a registry of titles is the great desideratum, do we not approach nearer to that consummation by a registry of deeds against the exact portion of land which is comprised in them, described by the name which best and most accurately distinguishes it, rather than by a larger and more general description, which embraces property to which the deeds so registered have no reference whatever? If all transactions in relation to land were confined to the transfer of the whole townland, as described on the Ordnance Survey, there is no doubt that the system I have alluded to would be a most complete one; but as that is very far from being the case, it seems to me to be no improvement upon the present system of registry.

It has been proposed, as a kind of modification of this scheme, to divide the sheets of the Ordnance maps for each county into rectangular squares, which, being duly lettered, are to form the designation or denomination for registry. All the objections and difficulty arising out of the previous plan, in finding the particular townland, and, it may be, a very small portion of a townland, are applicable, with still greater force, to this scheme; but it is open to this further objection, that, in a large property, a deed affecting any townland must be entered separately as an act to affect every division in the Ordnance sheet which the area of the townland covers, thus multiplying the entries sixfold, or, it may be, much more. Even in the case of a small portion of land, it may happen that different parts of it may have the misfortune to fall into several of these rectangular divisions, and involve several entries where only one is required under the present system. There is another objection, however, common to both the schemes I have mentioned—namely, the inconvenience they would occasion to the searchers on account of their total difference from the system now in use, and which must be used for many years to come. Any one who has much experience in such researches will appreciate the inconvenience, amounting to difficulty, to which I refer. When a search is begun upon one system it is very hard to continue it safely upon a totally different one. The mind has become accustomed to a certain bent or direction, and does not easily fall into an opposite one. But if the proposed plans, to which I have referred, are carried out, there will be two systems at work in the office totally different from each other, and a search will, for a long while to come, have to be directed against lands with one name to a certain period, and another name from that period. The awkwardness of this proceeding I need not express; but, independently of the difficulty to the searchers, there is the difficulty of getting the whole staff educated in one system to work a totally different one with success.

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For these reasons I think it most desirable that in any reform in the registry of deeds in Ireland, there should be no more novelty than what cannot be avoided. With the desire to avoid falling into speculative and Utopian projects, I would offer the following suggestions for the amendment and improvement of the present system of registry:—The first step in the amendment I propose would be in the memorial. Much complaint has been made of the memorials hitherto registered, and it has been suggested that some fixed printed form should be adopted, affording all the information which is necessary such an instrument should contain, and that such a form only should be received. I do not, however, see how it is possible to compel uniformity, where the nature of the deeds registered is so various; and I would therefore merely recommend a modification of the memorial now in use, in the following particulars, some of which I have adopted from Mr. Lane's very valuable report, already referred to. First—I would require all memorials to be engrossed upon parchment of a uniform size, bookwise, with sufficient margin to enable them to be easily bound together—in fact, of the same size, and with the same number of ruled lines, as the parchment prescribed by the Common Law Procedure Act, for pleadings in the courts of law in Ireland. Secondly—I would dispense with the address to the registrar, which, it is admitted by everyone, is quite unnecessary. Thirdly—Also with the part of the memorial which states the execution of the deed and memorial by all the parties thereto. The affidavit of verification, which I shall mention hereafter, will supply on oath the particulars of the execution of the deed and memorial by the grantor, on whose execution it is registered; and I do not think, for the purpose of registry, it is at all necessary to state the execution by any other party. Fourthly—Attached to, and engrossed on, the memorial, I would have a schedule which would give such information as would enable the particulars of the deed to be entered at once from it, in the indexes of the office. This schedule would be in the form A, and would contain in columns:—1. Nature of instrument. 2. Consideration. 3. Date. 4. Grantors. 5. Grantees. 6. Lands. 7. Barony.* 8. County. This schedule, it will be observed, contains all the information which it is necessary to give in a negative search, (save the particulars of registry which will be supplied in the manner hereinafter mentioned,) information which it would take a clerk in the Registry Office, being a stranger to the transaction carried out by the deed, much time to ascertain, while it will cost the solicitor who is familiar with it very little to supply. I find such a schedule is suggested in an excellent pamphlet on the subject of this paper, by Mr. Day, of the Registry Office. From the full materials contained in this schedule, the entries can be made in the

* I would not receive deeds which merely stated in a general manner that the lands comprised in deed were in several baronies, but would require the barony in which each denomination of land was situated to be distinctly stated in schedule.

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books of the office without poring through the memorials themselves, as is obliged to be done at present, and by this information being transcribed into the indexes the necessity of referring to the memorial is saved when giving the result of negative or common searches out of the office. The saving of time in both these matters is obviously of much advantage. Fifthly—The next and last amendment I would propose is in the affidavit of perfection, which I would make in the following prescribed form :—A B, of , in the county of , (addition of witness,) maketh oath and saith that he saw the deed of which the above writing is a memorial, and also said memorial duly executed by C D, (a grantor,) partly thereto in the presence of E F, of , in the county of , (addition of other witnesses,) also an attesting witness to said deed and memorial ; and this deponent further saith that the name A B, signed as a witness to said deed and memorial, is this deponent's proper name and handwriting, and the name of E F, also signed thereto, is the proper name and handwriting of the said E F. Sworn, &c.

I do not think it at all expedient that the affidavit of perfection should be dispensed with ; nor do I consider that the certificate of an officer appointed for the purpose, as suggested in Mr. Lane's report, would be an equivalent to the advantages of a formal verification upon oath. Those who have much experience of the manner in which country officials often discharge their responsible duties will feel very slow to rely upon them for infallible accuracy and correctness, such as Mr. Lane seems to assume. It may be said that the affidavit taken before a commissioner for taking affidavits in the country is, therefore, no safeguard ; but it affords this protection, that it is an oath which, if falsely taken, leaves the deponent open to a prosecution for *perjury*, in which both the solicitor who prepares it, and the commissioner before whom it is taken, are personally involved. With regard to the seal upon memorials, I am also obliged to differ from Mr. Lane, and am not disposed to dispense with it. If it is (as is commonly the case) a wafer or paper seal, it will not in the least interfere with the binding of the memorials. We know that a memorial, under the hand and seal of a party, is the best secondary evidence of an instrument which is not forthcoming ; and I think it would be very unwise to dispense with what gives a memorial the solemnity of a deed, because the seal, if a wax one, may be broken, or make the volume in which it is bound a little thicker.

Having now the memorial and deed perfected, (the usual certificate of length on it, and the deed being signed by the solicitor,) I next proceed to the process of registry. To carry out the simple plan I propose, (or, indeed, any other,) I must assume an improvement in the accommodation now afforded to the public in the office in Henrietta Street. I cannot believe that any reformed system can be carried out in a miserable, ill-lighted room, at a little counter, before which barely three people can stand abreast, and behind which the assistant-registrar and the other officers have scarcely room to turn about. If the registry of deeds in Ireland is of any consequence, it is surely

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worth the expenditure of some of the public money in the procurement of suitable offices in which it can be carried on; and I trust, therefore, whatever alterations may be made in the working of the system, or whatever scheme may be adopted, it will be afforded at least room enough to struggle into operation.

As the first step in the process of registry, I propose that the deed and memorial, with a copy of the latter certified by the solicitor and engrossed upon parchment of the same size, should be handed in to two clerks, (men of experience and, if possible, accustomed to such duty,) and whom, for distinction, I shall call "Examining Clerks," who will compare deed and memorial, and ascertain that both are properly stamped, and that the affidavit of perfection is regular in every particular.

These clerks will be provided with two stamps, (such as are used in the Post Office, and also in many Government offices,) with movable figures, by which the date can be changed every morning. One of these stamps will be of a small size, say two inches by one and a half, and the other of a larger size, say five inches by two and a half inches. The smaller stamp will be in the following form:—

Registered
12th August, 1861.
*No.*_____
*Fees*_____

The larger stamp in the following form :—

OFFICE FOR REGISTERING DEEDS IN IRELAND.

This Deed was duly registered in this Office on the 12th August, 1861.
*No.*_____
*Fees*_____

Assistant Registrar.

The deeds having been compared, one of the examining clerks puts the impression of the smaller stamp under the date in schedule to memorial and copy, leaving the number in blank, while the other clerk puts the impression of the larger stamp upon the back of the deed. I think it better, in order to attract attention, that these stamps should be impressed in blue ink such as is much used in the Post Office. One of the comparing clerks will then mark amount of fees to be paid in the place left for that purpose, and hand deed, memorial, and copy, back to solicitor, who will hand deed to the cashier, to whom the impression of the office stamp will be sufficient to show that the deed and memorial are, in every respect necessary for registry, correct and regular, and who will then receive the fees,

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put his initials thereto, and insert the *number* in certificate upon *deed only.* This number I intend should be a continuous one in each year, commencing on the 1st January and ending on the 31st of December. I am aware that it will, towards the end of the year, contain five figures, as on the average there are 12,000 deeds registered in the year in Ireland; but after much consideration I have come to the conclusion, that this is the most convenient mode of enumeration, and, as will be seen from the subsequent part of my project, can be carried through all the books of the office without any other reference whatever. For every purpose, according to my plan, the deed in the Registry Office is distinguished simply by its year and number.

	Year.	Number.
Ex. gr.	1861.	3,640.
„	1863.	10,225.
„	1864.	608. &c., &c.

There will be no difficulty in the cashier affixing the number, as he has only to look to the previous entry to find it. I also propose that he should enter every deed by the name of the first grantor and grantee, with the fees paid and the solicitors' names, in a regular cash book with printed headings, and which he will head each morning with the day of the week, month, and year, thus :—

Monday, 8th August, 1861.

Number of Deed.	Grantor.	Grantee.	Solicitor.	Fees Paid.
				£ s. d.
2,044	Jones.	Robinson.	Orper.	0 18 6

I think it would be better and safer, that the number of the deed should be printed at the commencement of each line in cash book.

Having initiated fees and put number in deed, the cashier returns deed to solicitor, who hands deed, memorial, and copy, to the assistant registrar, who retains memorial and copy, having first inserted the number therein and signed certificate upon deed, which he thereupon returns to the solicitor, and which deed I consider, for all purposes, should be held by every court of law or equity on the production of such certificate to be duly registered.

The above system of annual enumeration, checked in the manner I have mentioned, will be a perfect safeguard against irregularity in the privity of the deeds registered, and will save the necessity of the present troublesome and inconvenient practice of stating the hour and moment when the deed and memorial are handed to the assistant registrar for registry.

The deed being so registered, he next matter for consideration is

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the indexing. Immediately after the deed is returned to the solicitor, I propose that the copy memorial should pass into the hands of a clerk, who will enter the full particulars of it, taken exactly from schedule to memorial, including the date and particulars of registry added as I have described, in a day book, which will in every respect resemble what is now used and known as the Abstract Book; but for convenience of reference, I propose that the number of deed should be in the first column as in cash book rather than where it occurs in schedule to memorial, and the date of registry also as in cash book, at the head of each day's entries. At the same time that the copy memorial is handed to the clerk, who enters the acts in the day book, the memorial itself is handed into the Names Index Office, in which the "Names Index Books" and their duplicates are to be kept.

I am aware that there has been much difference of opinion as to the mode in which such indexes should be arranged, but after giving the matter some consideration, I am of an opinion that it is practicable to keep them as current registers of five years in dictionary order, (as proposed by Mr. Ray, of the Registry Office,) so that on reference to these books you would find all the acts by persons of one name together. Of course there are difficulties in carrying out such an arrangement in a current index that are not in a past one. From the latter you can extract all the acts appearing against one name and put them together, which you cannot do in a current registry, but still I do not believe these difficulties to be insurmountable. I am aware that it has been said that they are so, but I think those who are of that opinion should offer more than mere assertion in support of it. True, you must speculate upon the space necessary to be allowed for each name, and may sometimes fail in your calculations, but what is the loss of even many pages of parchment, or the inconvenience of carrying forward part of the index to another page, against the convenience of finding at one glance all the acts done for five years by the party against whom you are searching? The names index should, I propose, be not only divided into volumes of letters, but into volumes of portions of letters, as "Ba, Be, Bi," &c., each for the period of five years, and each entry in the following form and on a single page:—

Grantor.	Grantee.	Counties in which the Lands are situate.	Year & Number.
Johnstone, E.	Smith, Chas.	Cork, Meath, and Dublin . .	1861. 3,468
Same . .	Edwards, J.	Galway . .	3,582

As I consider it of vast importance to the public that there should be some book of reference containing the entries of the deeds regis-

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tered up to the preceding day, I propose that the clerks engaged on both the day book and names index should, if necessary, remain after, or come before, the usual office hours to complete the entries of all the deeds registered every day, for which extra work they should, of course, receive extra remuneration, as do the clerks in the Bank of Ireland and some other public offices. As, however, the average number of deeds registered is about forty-five, and the entries in the names index will be comparatively brief, I do not see any reason why two clerks could not easily enter every deed that comes in within an hour or two after the usual hour for closing the office, so that the names index and duplicate would be ready for use the following day. I am aware that many interruptions arise from the public and the office searches requiring the books to search in, but even making allowance for these interruptions, I see no reason why the work could not be done in the time I have mentioned.

The day following I propose that the *copies* memorials should be laid aside in the order of their number, and every 300 of them bound together in strong permanent binding, (to be done in the office,) each volume to be numbered on the back outside thus :—

COPIES MEMORIALS.	COPIES MEMORIALS.
1861. Book I.	1861. Book II.
1 *to* 30.	300 *to* 600.

and so on to the end of the year ; so that upon finding the number of any act in the names or lands index, the searcher going to the shelf could, from the outside of the volume, know at once which to take down ; or if any one was searching in the public office the clerk who hands the books could at once obtain the book for them in the same manner.

At the same time, the original memorial is to be handed into the Lands Index Office, in which it is to be entered from the schedule as before against every denomination of land mentioned in it. This obviously will take more time than the entries in the names index, as often where there is but one grantor there are fifty denominations, and therefore fifty entries to be made in the lands index, and I have therefore given the names index precedence to it ; but I think, nevertheless, that the lands index should never be allowed to get more than a few days in arrear. As to the arrangement of the lands index, I propose that it should be in counties and baronies, and in cities and parishes, as at present ; but I would at once put an end to all "general indexes" and "barony books," which occasion so much inconvenience, and which, I think, ought never to have been allowed to get into existence, by not receiving any memorial that did not contain both county and barony, or if in a city or corporate town the parish in which premises are situated. The lands index which I propose would have a great advantage over the lands index now in use, as it would contain much more information, and save the necessity, unless there was some particular information required, of

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reference to the copy memorial. The entries in the lands index will be as follows :—

Denomination.	Grantors.	Grantees.	Nature of Deed.	Consideration.	Date.	No. of Register.
Ballybrack	Evans, G. Griffiths, W	Scott, P.	Conveyance.	£650	1861. 4th Aug.	1861. 6,485

Although the above form of entry contains so much more information, it contains one column less than the lands index now in use; and the searcher might, if he found in it an act by one party, and affecting the lands against which he was searching, take it down in full at once, for transcript into the negative or common search. The original memorials, after they have been entered in the lands index, should be bound in the same way that the pleadings in the law courts are now bound, and in volumes of three hundred each, numbered as the copies in the way I have mentioned. The day-books, having been compared with the copies memorials, will be bound in volumes, and numbered in the same manner as the memorials.

Lastly, as to the searching department of the office. I think, once the arrear and amendment of the books, mentioned in the first part of this paper, were completed, and the system I have suggested in operation, that there would be little excuse for delay in the searching department. All I have to suggest in respect to it is, that it should be (so far as possible) kept separate from the current registry, and that there should be a superintendent, whose sole duty it should be to manage that department, to be called Clerk of Searches; and that the registrar or his assistants should not be embarrassed with any of the details of that department, save that all payments for searches shall be made to the cashier, and on his indicating the fees, the search should be signed by the assistant registrar. I also think the form for requisition for negative search might be simplified with safety and convenience to the form B. (See appendix.) I have endeavoured to put forward what appears to me a simple scheme for the reform of the registry of deeds in Ireland, involving no complication or difficulty, and, so far as I can judge, one which would be very easily worked with a much smaller staff than that now engaged. By it the number of books prepared in the office would be reduced to one cash-book, one day-book, two names indexes, (duplicate,) two lands indexes, (duplicate,) kept by eight or nine clerks, with two examining clerks, and a cashier.

I admit that additional trouble would be put upon the solicitor, but for that, of course, he should be adequately remunerated, and the expense would thus fall upon the parties most entitled to bear it, namely, those who avail themselves of the benefit of the Registry office.

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I have not referred, in the foregoing observations, to the proposed scheme of printing the entries in the index books of the offices, as I consider such a plan highly inconvenient and unsafe in a current registry, and one which in a past registry would be no economy either of time or money. Neither have I referred to the photographic project, by which it is proposed to enlist the gratuitous services of the sun in the transcription of memorials, as I greatly fear, considering the variableness of our Irish climate, such an arrangement might result in the dismissal of that illustrious supernumerary clerk, for irregularity of attendance to his official duties.

APPENDIX.

SCHEDULE REFERRED TO IN THE FOREGOING MEMORIAL.

Form A.

Nature of Instrument, Consideration Rent, or RenewalFines	Date.	Grantor.	Grantee.	Lands or Premises.	Barony, or if in a City or Parish.	County or City.
Conveyance Considera-tion, £2000	1860. 12th August.	Johnston,Jas. Ward, Edw.	Ellis, Ed.	Ballytore. Also Premises known as 4, Upper Temple St.	Upr. Kells. Parish of St. George.	Meath. Dublin.

m B. Negative Search.

TO THE REGISTRAR OF DEEDS IN IRELAND.

require an Abstract of all Acts registered in your Office against the following parties, to affect the lands hereinafter mentioned, within the period hereinafter stated, excepting the undermentioned deeds.

Names.	Lands.	Barony.	County.	From.	Up to.
Browne, Jas. Williams, A.	Garrydaff, otherwise Pilltown.	Carbery	Sligo.	12 Aug., 1817. 1 Jan., 1851.	31 Decr. 1850. Certificate hereon.

Excepted Acts.

Browne, Jas., to Hamilton, Edw., 12th August, 1821, B. 41, P. 30, No. 684,319.

ARTHUR BARLOW, Solicitor,
No. 3, Great Georges Street.

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A Scheme for the Transfer and Mortgage of Freehold Estates in England and Wales, by the Voluntary Registration of the Title. By EDWARD WEBSTER, *of Lincoln's Inn, Barrister-at-Law.*

IT need hardly be observed that a title to land is capable of being defined in a few words, whilst the evidence proving such title ordinarily requires a great number, especially if it consists of one or more deeds of conveyance, or a series of recorded statements.

It is therefore obvious that a registration, stating that a person is the registered proprietor of land in fee or for life, &c., without more, has, for the purposes of transferring or mortgaging a title, a great advantage over a registration of the assurances, or facts, which prove the title; the former being short and manageable, and, therefore, comparatively inexpensive; whilst the latter, if registered, would add largely to the present costly and dilatory method of transferring and mortgaging land. A registration of the title would simply express by name that a person is the registered proprietor of the land in fee-simple, or for any other assignable estate; and the land would be described in a schedule, by a tabular statement of names, quantities, situation, &c., according to a statutory form, and with or without reference to a registered map, at the option of the registering proprietor: but, if with a map, a convenient and obligatory scale, suitable for registration, should be required.

The scheme will be apparent from the following rules, showing its operation, and which scheme the hearers or readers of this article are requested to consider as being actually in existence. A note, containing remarks on each rule, is subjoined.

A Metropolitan Court, consisting of a superior officer, called the Registrar-General, with a sufficient subordinate staff, for the voluntary registration of assignable titles to freehold land, in England and Wales, is supposed to be established in London, and to be called "The Metropolitan Land Registration Court."

THE SCHEME.

1*st Rule.*—The Metropolitan Land Registration Court has jurisdiction to register titles to freehold land, for the purpose of enabling the registered proprietors to effect a legal transfer or a legal mortgage of the land, by the registration of the title.

Note.—Although, at first, it would be expedient to establish a metropolitan court only, the gradual establishment of provincial registries is contemplated. A measure proposing the establishment of a large number of provincial registration courts, without any certainty that there would be employment for them, would not receive the assent of the Legislature; but we feel confident that the establishment of a metropolitan court, on the voluntary principle, for the registration of titles to freehold land, would meet with general approval:—first, because the expense would be trifling; secondly, because the scheme would be, in its nature, tentative, and could, therefore, if necessary, be abandoned; thirdly, because, not being compulsory, it would be in accord with the genius of the nation.

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2nd Rule.—Every person, or any number of persons, is, or are, at liberty, at his, or her, or their own expense, to register himself, or herself, or themselves, as the proprietor or proprietors of freehold land, in respect of any assignable title, the title being defined on the register. A plurality of registered proprietors are, for registration purposes, treated as joint tenants. A certificate of registration, under the office seal, is given, which is evidence of the person named therein being the registered proprietor.

Note.—A registration so effected would prove nothing. If, therefore, a person were to register himself as the proprietor of another person's land, he would be no nearer obtaining it; but to prevent any such registrations, registrations of a pretended title should be made an indictable offence.

3rd Rule.—The title, when registered, is absolutely incapable of being legally transferred or legally mortgaged, except by a registered transfer or a registered mortgage, of which a certificate under the office seal is given.

Note.—The ancient and sound method of registering copyholds by copy of court roll is, in principle, here adopted. Under the present system, if A contracts for value to sell land to B, and afterwards contracts for value to sell the same land to C, B has an equity to restrain A from conveying the land to C; but if C, *without notice of B's contract*, pays his purchase money, and obtains a conveyance of the land from A, B has no remedy save by action at common law against A. It is proposed to give to persons having equitable rights to registered land the power to inhibit temporarily, and to obtain permanently, an injunction against the transfer on the register. Hence an equitable mortgage of registered land might be safely and speedily effected by a deposit of the certificate of registration. Persons injured would also have power to set aside any registered transfer to which both the transferror and the transferee were fraudulent parties; but, as against a registered transferee *without notice of a fraud*, the transfer should, in analogy to the present law affecting purchasers of land for value without notice, be indefeasible.

4th Rule.—Upon the decease of a registered proprietor, his legal personal representative, on producing the document from the Probate Court, evidencing his title as legal personal representative, is entitled to be registered as the proprietor.

Note.—As the registration would be voluntary, there would be no hardship upon the heir-at-law, nor any violation of principle occasioned by establishing this rule, whilst the public advantage of there being a real representative would be very great.

5th Rule.—All registered transfers, and all registered mortgages, are effected in writing, in a prescribed form, through solicitors appointed for the purpose, on the same principle as the sworn brokers, who effect the sales and transfers of stock at the Bank of England.

Note.—The Act would of course contain, in a schedule, a short and obligatory form and mode of transfer and of mortgage to be placed on the register, an office copy of which, to be called a certificate of registration, the purchaser or mortgagee would have.

6th Rule.—A first mortgage is effected by a registered transfer of the land, *by way of mortgage*, into the name of the mortgagee. An

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office copy of the registered mortgage is made out in duplicate, and one of the duplicates is delivered to the mortgagee, the other to the mortgagor, with an endorsement on each, showing to which of the two it is delivered, (thus denoting whether it is the mortgagee's office copy or the mortgagor's office copy,) and no registered transfer of an *absolute* unincumbered title *to a purchaser* of the land, whilst in mortgage, is capable of being made, except upon the office copies of both mortgagee and mortgagor being produced and left with the registrar, or under an order of the Court of Chancery; but a transfer to a purchaser, *subject to the mortgages, may be registered* on production of the *mortgagor's* office copy only, and a registered mortgagee has power to transfer the mortgage to a registered transferee of the mortgage, on the production of his own office copy only, the transfer in each case being effected through the land registration brokers, with the same ceremonies as a transfer to a purchaser.

7th Rule.—A second or other subsequent mortgage states the prior mortgage or prior mortgages, and is registered through the land registration brokers, upon production of the mortgagor's office copy of the first or former mortgages. Office copies are made and given in the same way as on first mortgages being made.

Note.—Any number of registered mortgages of the same land might be effected under Rules 6 and 7 with perfect security, and the mortgaged land could never be sold and transferred to a purchaser behind the back of the mortgagor; and each office copy would show the grade of the mortgage, whether it was the first, the second, &c., and the register would show them also.

8th Rule.—A redemption of a registered mortgage is effected in a prescribed form, through the land registration brokers, on which the mortgagor is registered as the registered proprietor of an unincumbered title.

If the Court of Chancery were invested with power to create a parliamentary title by sale of incumbered estates, and to order the registrar-general to transfer land on the register, either into his own name or that of a purchaser, nothing more than the above suggested Metropolitan Registration Court would be required to improve the transfer and mortgage of freehold land, until a demand for the transfer and mortgage of such land by provincial registration of the title should arise.

Under the system we have ventured to propound, it is probable that the voluntary registration of titles to land would be much resorted to, since the certificate of registration and the duties of the registrar-general would absolve a purchaser from the necessity of investigating the title by searching the register or otherwise, after the time when the land was first registered; and hence all registered land would increase in value in proportion to the period of time which would elapse from the first registration of it. As the registration would be voluntary, any registered proprietor should be at liberty to remove his title from the register—a liberty which would rarely, if ever, be exercised, since the effect of exercising it would

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be to restore to the land all the difficulties and expense of the present system.

Technical language has been avoided whilst writing the foregoing observations, that they may be intelligible to a mixed and general audience. The scheme, it is believed, is thoroughly practicable, and one which would probably receive the assent of the Legislature. The draft of a bill embodying it, together with a schedule of forms, could be readily prepared from materials which have been long and well considered, but which there is, on the present occasion, neither time nor space to detail.

Joint-Stock Frauds: Should the Accounts of Joint-Stock Companies be Audited by a Public Officer? *By* D. C. Heron, Q.C.

The principle of association has been repeatedly characterized as the most prominent test of an advanced civilization. The incapacity to combine is at once the cause and effect of a low development of humanity. The faculty of association has received its latest extension in the institution of joint-stock companies, enabling communities to accomplish enterprises beyond the means of private capitals. Adam Smith, more than eighty years ago, named the trades which it seemed to him possible for a joint-stock company to carry on successfully without an exclusive privilege. He correctly defined them as those in which all the operations are capable of being reduced to routine, or to such a uniformity of method as admits of little or no variation. He enumerated four trades—banking, insurance, canal companies, water companies, for the supply of water to a great city. The wonderful progress in material prosperity of the nations which inhabit the British Islands has developed during the present century other trades which joint-stock companies can carry on with success—railway companies, steamboat companies, gas companies, mining companies, companies to supply public amusement, such as the Crystal Palace Company; companies to facilitate communication, like the Electric Telegraph Company. These companies, in themselves, are only modifications of the principle enunciated by Adam Smith, that joint-stock companies can carry on successfully those operations in trade which are capable of being reduced to a routine, where the capital required is beyond the means of private individuals. Wherever the capital required is within the means of private individuals, the trade cannot be carried on successfully by joint-stock enterprise.

The result of the extraordinary success of the joint-stock principle, within the last twenty years, has been that numbers of persons of humble origin, and of indifferent moral principles, have been brought into contact with enormous sums of money, the appropriation of which has been extremely easy. And these persons have appropriated enormous sums, careless about detection, and ready to pay the penalty of their liberties or their lives, if detection should follow.

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The first case to which I think it right to call attention, is the case of Walter Watts. He was a clerk in the Globe Insurance Company in London, at a salary of £200 per annum. Between the months of August, 1844, and February, 1850, he abstracted £70,000. When he commenced the system of defalcations, he was only twenty-five years of age; but the life he led during his six years of public plunder was remarkable. In 1844, the name of Walter Watts suddenly became associated with fashionable and Corinthian life in London. He was a patron of art and pleasure in its most extravagant form; he kept an establishment at the West-end, and a country house at Brighton; he had one of the best cellars in London, stocked with the rarest vintages; he had some of the best horses in London; he was a devoted attendant on the theatres. During all this time he was only a check clerk in the cashier department of the Globe Insurance Office, with a salary of £200 per annum, having been placed there by his father, who had for forty years filled a subordinate position in the Globe office. Not content with the extravagance unavoidable in such a course of life, he started as a theatrical manager for two theatres. In 1847, he became lessee of the Marylebone Theatre, and during that year the celebrated Mrs. Warner appeared there as the star of the unsuccessful legitimate drama. During the season of 1848 and 1849, Mrs. Mowatt and Mr. Davenport, two American artists, played at Watts's theatre. Watts spared no expense. Mrs. Mowatt's dressing-room beneath the stage was fitted up like a bower of the Genii in the Arabian Nights. In fact, the brilliancy of the expenditure on the Marylebone Theatre was the subject of conversation all over London, during the year 1849. The only persons who knew nothing about it appeared to be the Directors of the Globe Office, in which Watts, spending £10,000 a year, was a clerk at £200 a year. In 1849 he opened the Olympic Theatre, but the extravagant and splendid management of this beautiful Temple of Thespis only lasted a few months before his frauds on the insurance office were detected. It is to be regretted that the company published no complete account of the mode in which the frauds were carried on. The first report which was laid before the board, somewhere about the close of the month of March, 1850, is presumed to have been merely of a preliminary character; but it is said to have contained the important facts, that the defalcations during the year 1849 alone amounted to upwards of £18,000. In the receipt department of the office there was no effective check against fraud, although, owing to the integrity of the officials, no fraud had taken place; and in the accountant's office, in which Watts was employed, the lax practice prevailed of making the bankers' pass-book the foundation of the entries in the books of the company, instead of the documents referring to the payments ordered, so that if the person having the custody of the pass-book chose to falsify it, the false entries were transferred to the general books of the office, and thus made to cover abstractions effected through the bankers. Watts, being tried and convicted, committed suicide.

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The next case of a similar character to which I wish to direct attention is that of John Sadleir. It illustrates another of the two great classes of joint-stock frauds. In one, the servant, with the greatest facility, embezzles hundreds of thousands of the property of his employers. In the other, the director entrusted by the shareholders to manage the property, with the greatest facility appropriates it to his own use. John Sadleir, in the year 1836, was admitted as an Irish attorney, and practised with success in the country and in Dublin. In 1847, he was elected as a member of Parliament. In 1853, he was appointed Lord of the Treasury under Lord Aberdeen. He looked forward to be Chief Secretary for Ireland or Chancellor of the Exchequer, and had a fair chance of either of these great offices. All this splendid position he owed to the fact of being enabled to use the money of the Tipperary Joint-Stock Bank. He himself was a man of simple and inexpensive habits, and the only relaxation he took was hunting, which he did not carry on in any extravagant manner. His resignation of his place at the Treasury, and retirement from the Government, were followed by his resignation of the post as Chairman of the London and County Bank. His credit was then gone in London. His forgery of the title deeds of the Irish Incumbered Estates Court was detected; and, on the 16th of February, 1856, John Sadleir committed suicide at the age of forty-two. From the Tipperary Bank John Sadleir abstracted over £200,000. As chairman of the Royal Swedish Railway Company he issued false shares to the nominal amount of £150,000, the whole proceeds of which he appropriated. The most singular part of John Sadleir's frauds is this—that over a quarter of a million of the money he received is unaccounted for—that is, there is no tangible method of explaining how the money was spent, or who received it from him.

The Royal British Bank was started in the year 1850, with a capital of £100,000, one-half of which was paid up. The board managed its affairs in the way every dishonest board in every joint-stock bank can do if they please. Mr. Cameron, the manager, became indebted to the amount of £30,000; Mr. M'Gregor, £8000; Mr. Mullins, £7000; Mr. Gwynn, another of the old directors and original projectors, £13,000, of which no account was rendered to the shareholders, and of which it is extremely problematical whether the creditors have recovered one penny. And one of the auditors found it more convenient to accept an advance of £2000 than to enter into disagreeable questions of vouchers and cheques. Mr. Humphrey Brown, M.P., on the day he opened his account, paid in £18 14*s*., and he drew money until he was debtor to the company to the amount of £70,000. The bank stopped on the 3rd of September, 1856; during its existence of six and a half years it exhausted the whole of the £158,000 subscribed by the shareholders, and left them beside half a million in debt. The British Bank directors were tried for a conspiracy to defraud, and they were convicted. But the heaviest sentence pronounced was imprisonment for

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one year. Lord Campbell, in pronouncing sentence, said, "I acquit you of having originated this bank with the fraudulent intent to cheat the public; but it is now demonstrated that for years you have carried on a system of deliberate fraud, and have fabricated documents for the purpose of deceiving the public, for your own direct or indirect benefit. It would be a disgrace to the law of any country if this were not a crime to be punished. It is not a mere breach of contract with the shareholders or customers of the bank; but it is a criminal conspiracy to do what inevitably leads to great public mischief in the ruin of families, and reduces the widow and orphan from affluence to destitution. I regret to say that, in mitigation of your offence, it was said that it was a common practice. Unfortunately, a laxity has been introduced into certain commercial dealings, not from any defect in the law, but from the law not being put in force, and practices have been adopted, without bringing a consciousness of shame, and I fear without much loss of character among those with whom they associate. It was time a stop should be put to such a system, and this information was properly filed by Her Majesty's Attorney-General, and the jury have properly found you guilty; I hope it will now be known that such practices are illegal, and will not only give rise to punishment, but that no length of investigation, no intricacies of accounts, and no devices will be able to shield such practices." Still, the heaviest sentence was only twelve months, and there are thousands of persons who would submit to twelve months' imprisonment for the sake of £50,000.

William James Robson has immortalized himself in the annals of crime, by his frauds on the Crystal Palace Company. In 1853, he obtained a salary there at £1 per week, and in June, 1854, he was appointed chief clerk in the transfer department, at a salary of only £150 per annum. But Robson was a well-educated, refined, and gentlemanlike man, thirty-four years of age, with literary tastes—the author of several plays, and having a large circle of expensive acquaintances in London. The simple plan by which he obtained £27,000 by false pretences was this; Robson directed a Mr. Clement, a stockbroker, to sell one hundred shares in the company, and the broker accordingly sold them—say fifty to a Mr. Joseph Lowe, and fifty to another person. For these shares the broker received £295, which he paid over, less commission, to Robson. The document by which these shares were transferred purported to convey the shares from Johnson to the purchasers. The signature to the deed, where the name of the transfer should be, was that of Henry Johnson—nominally, of course, written by that gentleman, who, however, had no existence, the whole thing being a forgery on the part of Robson. Opposite to this name were the seal and signature of the attesting witness—"William James Robson, of 3, Adelaide Place," (London Bridge,) the offices of the Crystal Palace Company. Like Watts, Robson lived in a most extravagant style. It is unnecessary to go into the details; he was tried and sentenced to be transported for twenty years.

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Leopold Redpath commenced his career as a lawyer's clerk; he then was appointed a clerk in the Peninsular and Oriental Steam Company. Leaving this office, he set up business as an insurance broker, but shortly afterwards failed for £5000. About the age of thirty-five he obtained the appointment of clerk in the service of the Great Northern Railway Company, and in that office exhibited one of the most extraordinary instances of successful swindling combined with high moral reputation and a truly benevolent career. Redpath's simple plan was, like Robson's, to create fictitious shares. And all the while the directors, though they found themselves paying dividends which they could not account for, appeared to entertain no suspicion of the fact that they were daily being robbed to a large extent. Nay, so far duped were they, that some three years after Redpath had commenced his swindling, the following document was actually placed upon record by the auditors of the company:—"Accountant's Department, August 7th, 1856.—To the Chairman and Directors of the Great Northern Railway Company.—Gentlemen,—The accounts and books in every department continue to be so satisfactorily kept, that we have simply to express our entire approval of them, and to present them to you for the information of the shareholders, and with our usual certificate of their correctness. —We have the honour, &c., (signed) John Chapman, J. Cattley, auditors." Redpath was a public subscriber to all the great charities of London. He had a splendid house at Weighbridge, and fifteen servants. The anecdote of the occurrence that led to his discovery is remarkable. Mr. Denison, the chairman of the line, was standing on a station platform conversing with Lord D——, when Redpath happened to come up, and lifted his hat to Mr. Denison. The nobleman, however, was on easier terms; taking Redpath cordially by the hand, "Ah, my dear fellow," said he, "how are you?" Having parted, the chairman turned to Lord D——, and asked what he knew of their clerk. "Oh," said he, "he is the jolliest fellow in life. He gives the most sumptuous dinners and capital balls that I know of." Redpath was tried in January, 1857, and sentenced to be transported for the term of his natural life; stock to the amount of £220,000 having been fraudulently issued by him.

Numerous other instances might be given. But the result is this, that nothing appears more easy, either for a dishonest servant or a dishonest director, than to rob a joint-stock company. Robson's and Redpath's frauds were effected by the manufacture of fictitious shares. In all probability, reasoning from what has already occurred, there is this moment in existence a vast quantity of fictitious shares in the joint-stock companies of England, Ireland, and Scotland. In fact, for the last ten years every species of robbery and fraud has been practised on the shareholders and creditors of these bodies. The evil is increasing. The London and Eastern Banking Company was instituted in 1854, on the principle of extending the joint-stock banking system to England. Colonel Waugh was one of the first directors, and in two years he, without security, drew

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£244,000, almost the entire subscribed capital of the company. The bank failed in 1857. Waugh's case resembles Sadleir's in this: there was no tangible account of what became of the money.

Many other cases might be given in detail for the last ten years, Pullinger's frauds on the Union Bank, to the amount of over £400,000, and divers others. The most recent is the fraud on the Commercial Bank of London, discovered only in February, 1861, and in consequence of which the business of the Commercial Bank was transferred to the London and Westminster Bank. It was discovered that a person named Durden, one of the ledger clerks, at the only branch possessed by the Commercial Bank—namely, that in Henrietta Street, Covent Garden—had defrauded it to the extent of about £60,000. Durden had been twelve years in the bank's service, and during eleven years he acted as ledger-keeper. It is believed that he had been robbing his employers during nearly the entire period. It is a remarkable fact, that, like Pullinger, he was most assiduous in the performance of his duties, and that during a period of eleven years he had not a single holiday. The iron frame of this man, who, whilst he was a good husband and father, and enjoyed in every way public esteem, was still for twelve years daily robbing his employers, succumbed at last. He was seized with a paralytic fit, and, when his duties were temporarily intrusted to another officer of the bank, it was at once discovered that the sum possessed by the bank was £60,000 less than it purported to be by the books.

This is the last instance I shall give. The evil, I repeat, is increasing. How is it to be diminished? Severity of punishment will have very little effect. For a career like Watts's or Robson's many men would cheerfully submit to six or ten years' penal servitude. To any educated and ambitious person, not supported by a sense of morality, religion, and a consciousness of doing one's duty to God and man, nothing can be more intolerable than the situation of a mercantile clerk with the wretched salaries to which competition reduces the remuneration. On the other hand, men like Watts or John Sadleir will commit suicide when detected, so that even death has no terror for the commercial swindler on such an imperial scale.

Joint-stock companies receive from the Legislature important privileges which enable them to accumulate vast capital. Under the present system it is very easy to plunder these companies, and the punishment of the swindler is very little consolation for the persons who lose their money. I propose, therefore, that all joint-stock companies should be subject to the inspection and audit of a public office, which might be made one of the permanent departments of the Board of Trade. The companies themselves recognise the principle of publicity, by holding half-yearly meetings, and publishing half-yearly balance-sheets. There could be no sound objection that these should be audited and verified by a Government officer, responsible to the Government for the proper discharge of his duties.

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Unless some such means be adopted, joint-stock frauds will increase with the number of joint-stock companies. The misery caused by the failure of a bank like the Royal British, the London and Eastern, and the Tipperary Bank, cannot be even estimated. John Sadleir, in his letter, written an hour before he swallowed poison, fully portrayed it. "I find myself the author of numberless crimes of a diabolical character, and the cause of ruin, and misery, and disgrace, to thousands, ay, tens of thousands. I weep and weep, but what can that avail?" It is the high function of this Association to suggest measures to prevent, if possible, the recurrence of such misery and ruin. Prevention is better than punishment. In the words of Mill, speculative philosophy, which to the superficial observer appears a thing so remote from the business of life, is, in reality, the thing on earth which most influences it, and in the long run, overbears every other influence, save that which it must itself obey. And I bring this suggestion before the statesmen whom I have the honour to address, hoping it may receive some consideration from them and from the Society.

LAWS RELATING TO PERSONS.

The Law of Marriage and Divorce as at present existing in England, Ireland, and Scotland. By ALFRED WADDILOVE, D.C.L.

THE object of this paper is to direct attention to the law of marriage and divorce as it exists in the three branches of the United Kingdom, to point out the inconsistent discrepancies resulting therefrom, and to venture some suggestions for the removal of so great and glaring an evil. Public attention has recently been awakened to the subject, and I conceive this a fitting opportunity to bring it prominently forward, when we are assembled on the spot on which a recent judicial inquiry has practically illustrated the uncertainty and misery consequent on the present state of the marriage law both here and in Scotland. It may, perhaps, not be unworthy of consideration, in introducing the question, to inquire why it is that laws so different should co-exist in one united empire; since, if we can discover no cause or reason for such a state of things, there should be the less impediment in the way of change. If, as I apprehend, the discrepancies in the law of England, Ireland, and Scotland, have arisen from accident and not design, there can, I imagine, be little foundation for their support beyond a desire to retain what custom has sanctioned and usage has rendered popular. Both Ireland and Scotland had Parliaments of their own, and made their own municipal laws; and when, at the respective unions, they merged into that of England, each nation was unwilling to relinquish its own system of law, and England was fearful of demanding a change lest it should

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defeat the junction desired. Hence we have, the more especially in Scotland, a legal system, and a mode of procedure both in the civil and criminal courts, wholly different from that of England, and often in direct conflict with it.

First, then, as to the mode of contracting marriage in England. Mere marriages of Protestants are valid if solemnized in the church, after publication of banns; or by virtue of a licence from the archbishop or bishop dispensing therewith; or upon a certificate from the registrar of the district in which the parties to the marriage reside. Marriages may also be contracted in the district registrar's office without any religious ceremony. If the parties are under age, not being either widow or widower, the consent of their parent or guardian is required, or an oath to that effect, before a licence will be granted—but the marriage is not void should the representation be untrue either that the parties are of age, or consent has been had. It is to be regretted that greater precaution is not taken before a licence is granted, or that a prosecution for perjury does not more frequently follow a false oath. The marriages of Roman Catholics, where both parties are of that persuasion, may be celebrated at any time or place by a priest in holy orders. (The law of England and the Church assumes a Catholic priest to be such.) Where both parties are not Roman Catholics, the marriage ceremony is performed in their respective places of worship. Jews and Quakers may marry according to their own usages.

Until the year 1845 the general marriage law of Ireland was the same as that of England before the passing of the "Act to Prevent Clandestine Marriages," in 1753, generally known as Lord Hardwicke's Act, having been passed in his Chancellorship. Two important Acts, however, were passed by the Irish Parliament—one in the reign of George the Second, for the prevention of marriages between Protestants and Roman Catholics, to which I shall allude presently—the other in the year 1781, rendering valid marriages between Protestant Dissenters, if celebrated by a Dissenting minister, no special place being required for their celebration. These two Acts have recently, in two prominent cases, produced much doubt and confusion, and consequent misery. As to the latter, in the year 1844 a man was indicted in Ireland for bigamy. He replied by saying that his first marriage was invalid, and therefore he was not guilty of contracting a second subsisting the first. He was a Presbyterian. The woman was a Protestant, but not of that persuasion. They went through a ceremony of marriage, performed by a Presbyterian minister, in his own private dwelling-house. The Court before which he was tried at the Armagh Assizes pronounced him guilty, thereby declaring the first marriage valid. He appealed. The Court of Queen's Bench in Ireland held in effect the marriage to be void. The case was brought, on the part of the Crown, (the prosecutor,) to the House of Lords by a writ of error. It was resolved, from the importance of the question, to take the collective opinions of the judges for the guidance of their lordships. They, by an unanimous opinion

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said the marriage was void. The lords, however, were not to be bound by their opinion, being merely advisers of their lordships, and after an elaborate argument the lords differed in their judgment. Three—Lords Brougham, Campbell, and Denman, were in favour of the marriage; and three—Lords Lyndhurst, Cottenham, and Abinger, were against it. It is a rule with the House of Lords that when opinion is equally divided *semper presumitur pro negante*—thus the appeal was dismissed, and the marriage in effect declared null and void. The whole question turned upon the single point, was it absolutely necessary that a marriage should be solemnized by a priest in holy orders, which the Presbyterian minister was not. This decision rendered the intervention of Parliament necessary not only to prevent future misery, evil, and fraud, but to determine the position of those parties, and their children, who had married under similar circumstances. An Act was accordingly passed without delay declaring those marriages valid which had been celebrated under similar circumstances from a misapprehension of the law. And subsequently, a comprehensive Act was passed, 7 & 8 Vict. c. 81; by the provisions of which marriage in Ireland between Protestants of the Church of England and Ireland may be celebrated after publication of banns, or by licence by the bishop, or special licence from the archbishop, as in England. Licences may also be had from the registrar of the district, which also renders publication of banns unnecessary. Marriages between persons where both are, or one of whom is, of the Presbyterian persuasion, may be solemnized, between the hours of eight and two, according to the forms issued by Presbyterians, either by the licence of a Presbyterian minister or by publication of banns in meeting-houses of their own persuasion certified to be such. Marriages may also be celebrated before the registrar of the district without any religious ceremony. In each of these cases, if either of the parties about to marry is under age, and not a widow or widower, consent of parent or guardian should first be obtained. Jews and Quakers may be married as in England.

So far, the law of marriage in Ireland seems simple enough; but in the case of Roman Catholic marriages, by reason of the Act I have referred to—19 George II.—doubts and difficulties have arisen. Where both parties are of that religion, their marriage can be solemnized without question; but if one of the parties be a Roman Catholic and the other Protestant, and the ceremony be performed by a Roman Catholic priest, the marriage is null and void. If, however, one of the parties be a Roman Catholic and the other not a Protestant, or has not professed him or herself a Protestant within twelve months before the marriage, it is valid, for it is not absolutely necessary that they should be both actual Roman Catholics. All that is required is, that the one being a Roman Catholic, the other should not be a professing Protestant within twelve months previous to the marriage. Such are the terms imposed by the Irish statute 19 Geo. II. c. 13, still in force, but passed one hundred and twenty-

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five years ago, when, I need scarcely say, the Roman Catholic religion was viewed very differently to what it is at the present day. It is obvious that persons desirous of evading the obligations of the marriage tie may avail themselves of the doubt whether, having been originally Protestants, they did or not profess themselves such twelve months before marriage. This was done in the case I have alluded to, and very much embarrassed the learned judge in his charge, and bewildered the jury in arriving at a verdict; and to make the question more perplexing, the judge who tried the case was asked by a juror how the fact of marriage would be affected if the party denying the marriage had been of no religion? when his lordship was compelled to answer, "that if he was of no religion, or had not pursued any, he really did not know." Is that a satisfactory state to leave one branch of the marriage law in this or any other country? The British Parliament was so impressed with the importance of redressing these evils, that in the House of Lords a Bill to amend the law relating to marriage between Protestants and Roman Catholics in Ireland was brought in by the late Lord Chancellor (Campbell) early in the last Session, and shortly afterwards the member for Belfast, Sir H. Cairns, moved for and obtained a Select Committee of the House of Commons, to inquire into the law affecting the contracting and celebration of marriage in Ireland. The Committee of the House of Commons did not make much progress in the matter, owing no doubt to the question having been taken up in the Lords. The Bill proposed to repeal the Act of 19th George II.; to legalize marriages of Roman Catholics and persons of other persuasions, although celebrated by a Roman Catholic priest, upon the certificate of the registrar of the district, provided the marriage was celebrated in a building set apart for Divine service according to the rites and ceremonies of the Roman Catholic religion, and situate in the district of the registrar by whom the certificate was issued, such marriage to be solemnized between eight and two, in the presence of two or more witnesses. This Act, however, has not yet become law; it passed the House of Lords only a few days before the close of the Session, and, therefore, could not be further proceeded with.

I now approach marriage in Scotland. If any difficulty or doubt can arise on the question of marriage, or no marriage, in Ireland, with what perplexity must we grope our way in Scotland. Marriage there is described as regular or irregular. The first is *in facie ecclesiæ*, but not necessarily in a place of worship, after a due publication of banns, but no interval between publication is required as in England or Ireland. There is no religious formality prescribed; the parties assemble in a private house, the minister takes the consent of the parties that they are willing to be respectively married to each other, in the presence of two witnesses, and their union is complete. A prayer is then usually delivered, a benediction pronounced, and the marriage is complete. Irregular marriages are contracted by *verba de præsenti*—that is, by a mere expression of

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an intent to marry of the parties themselves to each other, or a statement or words in writing equivalent thereto. No ceremony or form is necessary. It is doubtful whether the presence of a third person as witness is absolutely required. The two Scotch advocates who gave evidence here in the recent case I have alluded to (*Yelverton* v. *Yelverton*,) one of whom said he had made the marriage law of Scotland his study—the other, that he had been an advocate at the Scotch Bar for more than twenty-six years,—differed in opinion as to the necessity of a witness being present at the moment the consent was given; they both agreed that the intervention of calergyman was not necessary, and one unequivocally asserted that no form was required, no ceremony, no cohabitation, not even witnesses—this last assertion alone was disputed by the other. There is also another mode of being bound by the ties of matrimony, —a copula with a promise to marry at some future time; and again marriage may legally be inferred by an open and public cohabitation, if it be universal. Well might the Chief Justice again say "I wish the Legislature would interfere to regulate these Scotch marriages, because they certainly leave us here in a mass of confusion. We really do not know what to make of them." The facilities afforded by this easy mode of becoming husband and wife attracted from England those who were desirous of defeating the vigilance of parents or guardians objecting to their union. Just over the Scottish border, at Gretna, a person established himself to carry out their wishes. The marriage pronounced valid by him was good to all intents and purposes. He had abundance of occupation, and amongst those who availed themselves of his aid might be named an Archbishop of Canterbury, a Lord Chancellor, and a Lord Privy Seal. An Act has, however, been passed at the instance of Lord Brougham, but not without objections raised by the people of Scotland—to prevent such hasty demonstrations of matrimonial ardour. Doubtless, railways and the electric telegraph would have sometimes interposed, but now twenty-one day's residence in Scotland is required by one of the parties before such a marriage can be had by him or her. Such are the present customs and usages affecting one of the most important acts of our lives. Law it can scarcely be called. It seems strange that a nation so advanced in intelligence should so tenaciously cling to what appears to others so productive of evil. With the exception of two statutes passed in Scotland, shortly after the Reformation, and the recent Act requiring residence in Scotland previous to the marriage, no statute has been passed, no attempt has been made to place the marriage contract in Scotland on any uniform or satisfactory basis.

Having, as I conceive, described the different ways in which marriage can be contracted in the three branches of the kingdom, I now proceed to show how and to what extent husband and wife may obtain a legal separation. England, Ireland, and Scotland, have each their own process differing from each other. The recent Act of Parliament, the Divorce and Matrimonial Act, has established in

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England a tribunal for the purpose of dissolving marriages, to all intents and purposes, so that the tie between husband and wife may be completely severed, and each may contract another alliance. Such a decree will be pronounced at the instance of the husband, upon the proved adultery of the wife, provided there be no counter charge proved against him, nor any condonation of the offence, nor collusion, nor connivance in relation to it. A wife cannot obtain a dissolution of her marriage unless cruelty, or bigamy, or infamous conduct, or incest, or desertion of her for two years, be established, together with the adultery of her husband. Condonation, collusion, or connival, and her own misconduct, will also be a bar to her. Either of them may also obtain a judicial separation for cruelty or desertion, which so far divorces them as to place each in the same legal position as if there had been no marriage between them, save that they are unable to marry again. Whilst the proceedings are pending, the husband will be bound to find the wife, although charged with misconduct, a provision for her maintenance. The wife deserted by her husband may obtain an order to protect her property from her husband altogether.

It has been decided by the Judge of the Divorce Court that the operation of the Act is confined to those domiciled in England. For the purposes of the jurisdiction of the Court, Ireland and Scotland are to be deemed foreign countries equally with France or Spain. Thus Ireland is left under the old matrimonial law—separation from bed and board may be had in the Ecclesiastical Court, with an appeal to the Court of Delegates; but if a divorce *a vinculo matrimoni* be sought, the lengthened and expensive process of procuring an Act of Parliament must still be resorted to. An attempt was made, when the English Divorce Bill went through the Legislature, to extend its provisions to Ireland, but in vain. The effort has been renewed in consequence of the decision of the English Divorce Court as to its confined jurisdiction; but this has also failed. These efforts were, it is true, not very vigorously followed up, owing, as is supposed, to an apprehended opposition, founded on the reluctance to introduce dissolution of a contract into a country in which the majority of the inhabitants invest that contract with the character of a sacrament. It would seem that, previous to the Reformation, marriage was held to be indissoluble in Scotland as well as in England and Ireland. But the Presbyterian tenets which prevailed, which repudiated everything of a Roman Catholic tendency, discarded the sacramental character of marriage; and the Scotch nation, grounding its views on the precept of our Redeemer, resolved, as it were, by a general consent, (no legislative enactment having been passed,) that a marriage might be dissolved at the instance of either husband or wife, on the proof of the other's adultery. But in order to check the encouragement of divorces, the Scotch Parliament, in 1600, passed an Act disabling the divorced parties from marrying *him or her* by whom the adultery charged in the proceedings had been committed. The name of the paramour was and is, however,

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often omitted, and thus a subsequent marriage may, and often does, take place between the guilty parties. Desertion on the part either of husband or wife is also a ground of divorce, provided it be continued for the space of four years. Thus, no distinction is made between husband and wife as to their demand for relief from the matrimonial bond. Such is the mode of divorce in Scotland; and, whatever may be said of that, or the easy manner in which marriage may be effected, it must be said there is consistency in the simple procedure of contracting marriage and the facilities for dissolving it. Separation *a mensa et thoro* may also be had, but it appears to be seldom sought, as a complete divorce is generally to be obtained for the same delinquency as would found the lesser relief.

It has been said that the English Divorce Act does not extend to Scotland, and it may also be said that the Scotch law of divorce is not recognised in England. Thus, what is a valid divorce in one country, enabling the parties to marry again, is a nullity in the other, so that persons contracting a marriage in England upon the strength of a Scotch divorce, would be liable to an indictment for bigamy, and the children of the marriage would be legitimate in Scotland but illegitimate in England. Notwithstanding these consequences, people resort to Scotland to obtain a divorce. Forty days' residence gives them a domicil for the purpose, and they return to their own country to form new alliances which they afterwards find are null and void. These and other evils have been forcibly pointed out to the Legislature, and attempts have been made to remedy them, but the English and Scotch nation will neither concede. It may, however, be said, England has recently adopted a comprehensive measure, which, if marriage is to be dissolved, has very well accomplished its purpose. An Act to amend the "Law regarding Conjugal Rights in Scotland" has been passed in the late Session, to come into operation in November next; but it scarcely touches the law of divorce. Its chief provisions are to provide protection for the wife's property when deserted by her husband, or after a separation *a mensa et thoro;* but it adopts the principle of the English Divorce Court as to making the wife a defender in the husband's suit for her adultery, and renders him also a competent witness. This, I may remark, is not yet permissible in England. It also empowers the Lord Advocate to intervene, if he should think fit, to prevent imposition on the Court.

Such, then, are the modes of contracting marriage in the three branches of the empire. There is no difference in England and Ireland as to contracting Protestant marriages, it only exists in Roman Catholic marriages. But, as I have pointed out, the marriage law, as to the contract, of Scotland, differs widely from that of the rest of the kingdom. But, as to divorce, each country has its own separate and distinct mode of procedure, each differing from the other, each followed by different consequences. In England divorced persons may marry again after a certain time, without let or hindrance, even with the partner of their guilt. In Ireland they cannot marry

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again. In Scotland marriage may be re-entered by the divorced parties; but whether the guilty parties may marry or not, depends upon the name of the third party being introduced into the form of procedure.

As it is far more easy to ask a question than to answer it, so it is more easy to point out these evils than to prescribe a remedy for them. For my own part, I conceive the extension of the English Divorce Act to the rest of the kingdom would be the most simple and efficacious mode of doing so—that is, by repealing the existing and amending Acts, and embodying their provisions, together with such specialities as the conflict between the laws of England, Ireland, and Scotland may require, in one comprehensive Act, whereby one system and mode of procedure would be common to the empire. As to the contract of marriage, here again I would point to the marriage law of England as the one best fitted for general adoption. If more care were taken in the publication of banns and granting licences, fraudulent, hasty, and improvident marriages would often be prevented. It seems the more reasonable that the law of marriage both in Ireland and Scotland should conform to that of England, since an appeal may lie thither, in the last resort, viz., to the House of Lords. And in two recent important cases that tribunal has reversed the decision of both the Irish and Scotch Courts, thereby importing into those countries the rule of English law. In the case of Fenton *v.* Livingstone, (H. L. R. 5 Jur., 1813,) the Court of Session in Scotland had held that a marriage with a deceased wife's sister, contracted in England between persons domiciled there, was valid. The House of Lords reversed that decision. Again, in Beamish *v.* Beamish, the Court in Ireland had held the marriage of a clergyman, where he himself performed the ceremony, valid, but the House of Lords also reversed that decision on appeal. Thus the rule of law in each case laid down by the Courts of Ireland and Scotland was subverted by the rule of law as laid down in England.

It may not, perhaps, be out of place before I conclude to make a few brief remarks on the English Divorce Act, since I have advised its adoption. It has now been in operation three and a half years, so that some opinion may be formed of its effect. It has been urged as an objection against it that it dissolves an union not to be touched by the hand of man; that the injunction—"Those whom God has joined together let no man put asunder," ought to restrain human intervention; but it must be borne in mind that the same Divine lips have told us that "a faithless wife may be put away." But it is more fitting on this occasion that I should regard the question solely in its social rather than in its religious aspect. Although by the law of England marriage was indissoluble, yet, after certain expensive preliminaries, an Act of Parliament might be had to effect that object. This boon was practically confined to the rich. The Legislature found itself in this difficulty, it must either refuse divorce to every one or extend it to all. After a practice sanctioned by so long an usage it could not adopt the former, and thus was compelled to

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resort to the latter alternative. It has been said that the facilities afforded by the Court of Divorce have encouraged the wrong for which it affords redress—that immorality has been increased by it, that it promotes rather than checks matrimonial infidelity, and the large number of petitions presented to the Court is adduced in support of the assertion; and no doubt there was at one time a formidable list, but it must be remembered that there was no limit as to the time of the offence grounding the petition. Thus, an accumulation of cases arose at once, covering a long period, going back even in some cases beyond twenty years. Again, as the Court was at first constituted it could sit but seldom, and thus a long list of cases remaining unheard produced an impression on the public mind that there was an alarming number of suitors for the dissolution of their marriage. Without troubling you with statistical details, I will merely state, that during the three years the Court has been in operation there has been a gradual decrease of applications for dissolution of marriage grounded on offences committed in each of those years—*e. g.*, in 1858 there were 85 cases; in 1851, 66 cases; in 1860, 50 cases. I may also add that the general cause list has been reduced to the number of 70 cases, of which only 40 cases have been set down for hearing since the beginning of Trinity Term (May 22d.) I repeat, there are now only 70 cases ready to be disposed of, whereas, at the period I have named, viz., May 22, there were 153. Again, it has been said that collusion and connivance have prevailed to a great extent. Doubtless there have been some cases so tainted, but the vigilance of the Court has generally detected them; and moreover, the power recently given to the law officers of the Crown to bring to the notice of the Court any facts that might bar a decree, has generally tended to defeat the machinations of those who would combine to stain the stream of justice. Such, then, are the objections raised against the English Divorce and Matrimonial Act. To me they appear more imaginary than real. But in suggesting its introduction into this country, I do so with deference in the presence of those so much more conversant with the habits and feelings of the people of Ireland than myself. But to those around me I would say, in the language of the Roman satirist,

"Si quid novisti rectius istis,
Candidus imperti—si non his utere mecum."

On the Marriage Question. By William O'Connor Morris, *Barrister.*

In looking at the Law of Marriage in Great Britain, considered as a scheme of general justice, four topics, I think, require attention. We may first trace out the cardinal principles which should regulate this great relation, as we view it, not from its inner side, which belongs to the private domain of conscience, but in those outer and public bearings in which the State has an interest in it. We may secondly inquire to what extent we find these principles actually

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embodied in the laws in force in the three kingdoms, and in what degree these varying systems recede in fact from the true standard. In the third place, we may notice the effects of the conflict of laws on marriage in Great Britain, and what anomalies, confusion, and mischiefs are the consequence of this civil warfare. And lastly, we may briefly consider by what reforms our general jurisprudence may be made to approach more closely than it does the true canons upon this subject, without, to use the expression of Burke, "committing waste on our ancient inheritance, or overthrowing the original fabric." I need not say that, within my limits, I can only touch these points very slightly, but they seem to me to open the questions belonging to this important argument.

First, then, what are the general principles which should govern the law of marriage considered as a civil relation? It may be laid down that law should provide that the contract should be deliberate and public, and should be fully and durably attested. It is obviously a high social interest that some delay should precede an engagement which affects the status of the parties for life, and generally alters their rights of property, and of which the effects in most cases extend to many third persons and families. Such a delay operates as a restraint upon wrong and improvident marriages, and it gives space for a full discovery of any legal obstacles to the contract. Again, it is plain why all marriages should be celebrated in a public manner, and should be evidenced by a lasting record. The status of persons married, in fact, should in all instances be so capable of proof, that no temptation should exist to repudiate it, and thus to involve third persons in the consequences. And, besides, the evidence of a relation, which, whether as regards the parties or the State, involves grave and lasting obligations, and in most cases fixes and limits innumerable rights and titles to property, should at all times be ready for production. In fact, if the rights of persons and things should be always clear, and easily ascertained, one main and lasting source of these rights should not be allowed to lie in concealment.

Again, we may say that all conditions which law shall make essential to the contract should fall in with nature and opinion, and should be capable of speedy discovery. An engagement which man is pledged to by nature, which should be encouraged by legislation, and which, when checked by capricious restraints, degenerates into mischievous concubinage, should not be fettered by unreasonable bonds, which jar on the common feelings of a nation. If we look at some of the books of the Canonists, and think on the subtle and unnatural chains in which they meshed this great contract—they are summed up in a barbarous quatrain in the well-known treatise of Basilius Pontius—we shall not be surprised at the bitter protests with which society often denounced them, nor yet at the gross and avowed licentiousness which unquestionably stained the Middle Ages. Why such conditions should be easily discoverable will appear upon a little reflection. Were they made complex and difficult

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to find out, the most innocent persons might fail in complying with all the terms of the contract; and thus marriages apparently valid might, in after years, be reduced to a nullity, involving thereby the most ruinous consequences. Moreover, difficulties of this kind afford obviously a ready encouragement to criminal fraud to work out its ends; and, by the omission of some formality, which is not obvious and easy to ascertain, to convert marriages into mere seduction. For instance, if it were now the law, as I think it was under the 26 Geo. II., that the person enjoined to solemnize marriages must necessarily be of a certain order, and no allowance in saving of the rite were made for a case of personation, where one of the parties was quite innocent,—a condition like this, not easy to ascertain, if made essential to the validity of the contract, might be productive of the gravest mischiefs.

Again, we may say, that no circumstance which is latent or secret in itself should operate to break the marriage contract. I think it plain, in the words of a statute, very nearly contemporaneous with the Council of Trent, "that no marriage should be brought in incertainty if solempnised in the face of the Church," by reason of a clandestine connexion which left no public trace of its existence. It seems to me, too, that any mere accidents, which are essentially latent in themselves, such as distant affinity, disparity of rank, distinction of creed, even guardians' consent, should not be allowed to affect the contract, inasmuch as reasonable care and inquiry might not be able to trace their existence. To make the validity of the engagement depend upon such collateral facts, which may elude the most searching eye, and may be interestedly concealed, would be, in the words of the above Act, to "prevent juste marriages from being knit and bounden, to frustrate and dissolve apparent unions, and to lay innocent persons open to all the perils of fictitious marriages." Assuredly, as with lesser contracts, a contract of this momentous kind, on which society ultimately rests, and from which many of its ordinances flow, ought not to be liable to question or defeat by reason of hidden collateral accidents which may escape the contractor's notice. This fair grant of Providence to man should not be incumbered through legal artifice with unintelligible and obscure provisoes.

Such, shortly, then, are the general principles which should pervade any law of marriage. The contract should be deliberate and public, recorded by full and lasting evidence, both simple and natural in its conditions, and not beset by latent impediments. We come, accordingly, to inquire, secondly, how these rules obtain in our own law, considered as a general system, though separated into three different codes, according to the nations of Great Britain, yet binding on all Her Majesty's subjects who fall within the sphere of its influence.

Could we look at England alone as the empire, and could we exclude from the English jurisdiction the operation of the laws of marriage which exist in Scotland and Ireland respectively, we may

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say, I think, that the law of England, so far as that country alone is concerned, has at length nearly approached these rules, and is, on the whole, on a sound basis. Abstracting, therefore, these disturbing causes, on which I shall say a word hereafter, let us briefly trace the growth and progress of this important law in England, confining ourselves to England exclusively. It appears probable that, in Saxon times, the canons referred to were observed in the ancient marriage law of the nation. The contract was deliberate and public, for it was made after a solemn betrothal at which the families of the parties were present; and it was always celebrated by a "mass priest" in the face of the Church, and before witnesses, a rite which in those Catholic days fell in, of course, with the universal feeling. It would seem, too, that the contract was free from any severe or unnatural conditions, or from any latent collateral obstacles, since it was open to persons of every class, if without the old Levitical degrees, irrespective of any social distinctions; and it was not capable of being annulled by anything like a preceding engagement, religious vows, or monastic obligations. There is, moreover, reason to believe, that a formal record attested the contract, and that something akin to a registry of marriage existed among the Saxon institutions.

These wise rules of the Saxon marriage law, though not altered by the Norman Conquest, were, probably in the thirteenth century, affected deeply by that wonderful system which attests the skill and ambition of the Canonists. The *nolumus leges Angliæ mutari*, though in no sense an empty boast—for the Canon Law as regards marriage was never the common law of the realm—was yet evaded to a great extent in reference to this important contract. For in the first place though "very matrimony" required as of old the intervention of a priest, still mere marriage contracts by present words, or by promise for the future, if followed by cohabitation, were, according to the rules of the Canon Law, made capable of enforcement by the spiritual courts; and, as these contracts, when thus validated, became in consequence "very matrimony," clandestine unions were thus introduced and public marriages became liable to avoidance by a most dangerous latent obstacle. And in the second place, though the Canon Law was never able to impose in England the curious list of restraints on marriage which it managed to do in other countries, still, as even within the English jurisdiction, it largely increased the former prohibitions, and as, with its avowed object of adding to the power of the head of the Church, it allowed all kinds of dispensations from them, we can understand in what wild confusion it involved this part of our jurisprudence, what severe conditions it annexed to the contract, and with what latent obstacles it beset it. These mischiefs will be familiar to the student who has read the curious cases from the year-books collected in the Queen and Millis; and they are loudly condemned in a celebrated Act which passed in 1540, when England, although at issue with Rome, professed Catholicism as the national religion.

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The legislation of Henry VIII. set the English marriage law on a sounder basis than it had held for several generations, by annulling inconsummate marriage contracts, if they clashed with a marriage in the face of the Church, and by sweeping away the prohibitions of marriage which the Canon Law had made so numerous. The first of these reforms, however, was abolished in the reign of Edward VI. by an Act which declared that the spiritual courts might decree matrimony on a mere marriage contract; and, accordingly, license again was given to all the mischiefs of clandestine unions: and, although the removal of the curious restraints which had been laid on the marriage tie, with their train of exceptions through dispensation, was, in my judgment, a public advantage, an accidental result of the Reformation was the multiplying of mere marriage contracts with their various subtle and perilous evils. For, when the Established Church had become no longer identical with the whole of the nation, and when, accordingly, the celebrating marriage by a clergyman in the Anglican orders had become distasteful to all ranks of nonconformists, recourse was had in a greater degree than in Catholic times to mere marriage contracts, and regular unions formerly solemnized were more than ever exposed to danger. This was the great blot on the English marriage law from the reign of Elizabeth to that of Charles I.; its effects may be seen in Bunting *v.* Lepingwell, reported 4 Co. p. 29, where a regular marriage in the face of the Church was annulled in favour of a secret contract; and, long before the Restoration, the vices of this state of the law had been condemned by Maynard in Parliament.

I need not refer to the great change which Cromwell wrought in this part of the law by making marriage a mere civil contract to be entered into before a magistrate, because it did not outlive his dynasty. At the Restoration the old law revived; and from this time till the 26th George II. the English law of marriage was unaltered, apparently, with the progress of society, becoming practically worse than ever. Its mischiefs are familiar to the student of the literature of the eighteenth century, and are exceedingly well laid bare in the animated debates on the 26 Geo. II. The marriages of all Protestant dissenters, if celebrated by their own ministers, or entered into without such intervention, stood on the footing of mere marriage contracts; and these contracts, even though clandestine, were not uncommon among all classes. Besides, as to constitute "very matrimony," the only requisite was a priest in orders, clandestine unions by degraded clergymen, which might be solemnized at any time, without notice, and in any place, were frequent, especially among the upper classes. The result of course was, that, by this time, the law of England had quite abandoned the true rules which should have governed it. The contract was not required to be deliberate, to be public, or to be fully attested, for it might be entered into at a moment's notice and at any place, through the intervention of a priest, or it might be made potentially binding by the interchange of a present consent, or by a promise ratified by

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cohabitation. The conditions of the contract were very complex and exceedingly difficult to ascertain, since no marriage was in fact safe whatever inquiry was made on the subject; and lastly, owing to the same cause, every marriage, however formally solemnized, was exposed to a series of latent impediments which might reduce it to a nullity. An instance is mentioned in the debates of the day of a man, who, under this state of the law, had actually married no less than seven wives, every one of whom was living at the same time, and believed herself to be legally married.

The 26 Geo. II., although it has been amended in several important points, is the basis of the law of marriage in England. It made mere marriage contracts incapable of being enforced, and thus, within the English jurisdiction, it closed a great source of clandestine unions. It enacted that every marriage in England, except those of Jews and Quakers, and those solemnized by special licence, should be celebrated in the parish churches, by licence or on publication of banns, and in the presence of two witnesses at least, thus abolishing the trade of degraded clergymen. It established a parish registry of marriages; and it absolutely annulled all marriages in England which were had without the prescribed solemnities. It required, also, on pain of nullity, that the marriages of minors, if celebrated by licence, should be had with the previous consent of guardians; but this did not apply to such marriages by banns, nor when the parties had previously been married. And the Act was pointedly confined to England, and to marriages celebrated in the English jurisdiction—a proviso of which we shall see the effects when we come to touch the third part of my subject.

I cannot doubt that this celebrated measure—if we look at marriage in England only—was a great reform in the law of that country. In several very important respects it assimilated the law of marriage in England with the principles I have before enumerated. Requiring that every marriage in England, except three very small exceptions, should be solemnized in the Established Church by licence, or on publication of banns, and in the presence of two witnesses, it made the contract deliberate and public. Providing a system for registering marriages—although that system was much too local—it established a lasting record of the engagement, and thus secured a great national advantage. By annulling practically mere marriage contracts within the bounds of the English jurisdiction, it got rid, too, of a latent impediment; and it aimed, I think, at the public good in checking the hasty marriages of minors. But it contravened a just principle in making the Church the sole agent of the State for the celebration of marriages generally; thus forcing nonconformists of every denomination to marry in churches of an alien communion, for in doing this it made the contract dependent upon a severe condition. I think, too, though the 26 Geo. II. does not say expressly in terms, that a clergyman in orders must celebrate the rite, that this condition was necessarily understood from the whole tenor of the previous law; and, as the statute made no allowance for the case of

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the personation of this functionary, though one of the parties was quite innocent, it thus rendered the essential requisites of marriage more hard to find out than they should have been, and exposed the tie to a latent impediment which certainly might be productive of mischief. In short, the measure, in these respects, was far from a perfect piece of legislation; and, as it applied to England alone, we shall see hereafter the effects of this, even as to marriages of English subjects.

The defects of the 26 Geo. II. have been amended within our time, so far as England alone is concerned, and marriages solemnized in that country. This reform is due to the two statutes, 4 Geo. IV. c. 76, and 6 & 7 Will. IV. c. 85, with several minor ancillary measures, and, were England identical with Great Britain, I should think this part of the law satisfactory. The first of these Acts was levelled at the mischiefs of actually invalidating *bonâ fide* marriages unless celebrated by a clergyman in orders, making no allowance for a case of personation, and of invalidating, too, the marriages of minors by licence without the consent of guardians. It removed the former by enacting that a marriage not solemnized by an ordained clergyman, and in a church of the Anglican creed, should be void only when both the parties had "knowingly and wilfully" violated the rule, thus clearly saving a case of personation; and the latter, by validating the marriages of minors, although celebrated without consent, imposing only a forfeiture of property on persons contracting this kind of unions. This change in the law was obviously an improvement, since it made the essential requisites of marriage more evident than they had previously been, and it removed two latent impediments to it; but it left the law still open to the objection, that the Establishment was the sole agent for the contract, leaving, therefore, a very unjust proviso annexed still to a natural engagement. The second statute above referred to, the 6 & 7 Will. IV. c. 85, with several Acts subordinate to it, has at length got rid of this harsh condition, and effaced an odious feature in the law which appeared in an age of comparative toleration.

The one great object of this reform was to leave the English marriage law as before, but to free it from this severe restriction. Accordingly persons marrying in England—with the exception of Jews, Quakers, and the few who contract marriage by special licence—remain under the rules referred to as regards notice, publicity, and consent, but a new machinery has been introduced, to effect the carrying out of the contract. At the present time, as it was before, the age of marriage in England is fixed at the periods marked by the common law; the capacity extends to all persons not within the forbidden degrees of affinity; and the consent of guardians to the marriages of minors, if solemnized through the medium of a licence, is made an observance under a penalty, but not an indispensable condition. Now, as under the law before in force, all marriages in England, except as before, those of Jews, Quakers, and by special licence, must be solemnized in a public place, in the

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presence of witnesses, and before a functionary responsible to the State for this duty, and must be fully and clearly recorded, with the former savings in favour of the contract, wherever one of the parties is innocent. But the Anglican Church is no longer made the sole agent of the State for the contract; and, though it retains its former right to celebrate marriages between all subjects, another institution has been set up invested with a similar capacity. The superintendent registrars in England may give marriage certificates and licences, analogous to the banns and licences of the Church; such marriages may be celebrated in registered places of worship, according to the form preferred by the parties, provided only that a registrar be present, that a solemn matrimonial consent be expressed, and that the rite be public and attested; or they may be contracted without these solemnities, the same civil ceremony taking place, at the offices of the district registrars. This system obviously is adapted to all classes of dissidents from the Establishment who object to marry under its sanction; it secures every essential to the contract without vexing a single scruple; and it has set the engagement completely free from the harsh condition which had bound it. This, and the establishment of a general registry, for making marriages easily provable, have been the last reforms in the law; and so far as English marriages are concerned, within the sphere of the English jurisdiction, that law seems in accordance with reason. In proof of this, let us see how this law stands the test of the principle referred to. All marriages in England, whether solemnized in Churches, or in registered places of worship, or at a district registrar's office, must be now preceded by ample notice, sufficient to make the contract deliberate, must be had in public, and before witnesses, and must be fully and durably registered. There is no severe restriction on the contract; any prohibitions on the ground of affinity, with perhaps a single doubtful exception, are in accordance with nature and opinion; and the indispensable conditions of the engagement are evidently open to speedy discovery. And finally, nothing in its nature latent is allowed to impeach or annul the contract; the consent of guardians may be withheld, but it will not invalidate the marriages of minors; the personation of a clergyman or a registrar has no effect when one party is innocent; no difference of creed, of fortune, or of rank—with the one exception of royal marriages—can in any way set the contract aside; and, whenever an honest inquiry is made, the proof of a marriage may be made forthcoming. It is true that the marriages of Jews and Quakers, and those solemnized by special licence, are not subject to the general law; but in practice at least these anomalous exceptions have not, I believe, been found mischievous; and so far as England alone is concerned, its marriage law, after many ages, has at last been freed from essential objections.

If, however, we pass from England to Scotland, we reach a country whose law of marriage is entirely different from that of its neighbour, and forms a scandal and peril to society. I would speak

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more diffidently of a legal system which is alien from this, were I not sustained in my judgment by men such as Lord Mansfield and Lord Brougham, who, versed in all law and civil wisdom, are known as masters of Scotch jurisprudence. The Scotch marriage law I think may be traced to two principles of the Canon Law—themselves derived from the Civil Code—that consent alone is sufficient for marriage—"*solo affectu valeant et ratæ sint nuptiæ*" is the expression of the 74th Novell; and that habit and repute, corresponding to the *usus*, which was proof of marriage in the later Roman law, might become conclusive evidence of the contract. In accordance with these rules, the Canon Law laid down that consent to matrimony might be interchanged by words or signs expressive of this purpose, or might be proved by a promise of marriage if followed by its natural consequence, or might be inferred from general estimation if pointing to a legitimate connexion. It is true that, as a matter of order, and to give a religious sanction to the contract, it required that the matrimonial consent should be had before a priest and witnesses; and this ceremony, when thus solemnized, was the only regular marriage it acknowledged. But its rule was express that exchanges of consent by present words or even tokens—or marriage contracts *per verba de presenti*—that promises of marriage when followed by cohabitation—or contracts *de futuro copula subsequenti*—and that uniform repute attesting matrimony, were conclusive proof of irregular marriages, though no ceremony whatever had taken place, and though the union had been clandestine. And the only difference between the two classes, so far as regards the *status* of the parties, was that the former were the rule of the Church, while irregular marriages of every kind were punishable by ecclesiastical censures.

Except in one, not slight particular, the law of marriage in force in Scotland conforms nearly with its original. The regular marriages celebrated in Scotland correspond with those of the Canon Law, with the difference only of the civil distinctions which have been superadded by State policy. The marriages known as irregular in Scotland are identical with the irregular unions of the Canon Law above referred to, with this not unimportant exception, that they are not now subject to Church discipline. If a man and woman of Scotch domicile, and beyond the ages of fourteen and twelve, nor within the prohibited degrees of affinity, interchange consent to be husband and wife by words or signs expressive of this purpose, this, if it takes place in the Scotch jurisdiction, is very matrimony by the act itself, though no witnesses were present or near, and though the parties that moment separated. If again, under the same conditions, a future promise of marriage be made, and after the promise cohabitation en ues, this is also a perfectly valid marriage; irregular in its legal definition, but binding to all intents and purposes. In what form such a promise may be made is a question perhaps still open to doubt, for while Scotch lawyers seem to agree that the promise must be either in writing or on the oath of the party charged, Lord

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Brougham is, at least, reported to have said, in the well-known case of Honeyman and Campbell, that it "may be inferred from circumstances"—a dictum, extrajudicial to the facts, but not the less of much significance. And finally, if satisfactory proof, which must be uniform in its tenor, be given of a repute of marriage in Scotland, this is also held conclusive to warrant the inference of a matrimonial union, without any additional evidence. Moreover, the law binds all persons who come within the Scotch jurisdiction, provided, in the case of non-domiciled subjects, they have been resident three weeks within it.

Such, briefly, is the Marriage Law of Scotland, and it should be added that irregular marriages are expressly exempted from registration. It is evident at once that it contravenes the true rules I have previously referred to—since it allows the contract to be hasty and clandestine, makes the essential requisites of the most regular union exceedingly difficult to ascertain, and exposes it to a latent impediment of the most perilous and ruinous nature. If any one cares to observe the mischief which it has caused, not only to Scotch subjects, but also to English and Irish families, he has only to read the Dalrymple and Wakefield cases, the Mountgarret Peerage case in this country, and lastly, that extraordinary cause which of late set half Ireland in commotion. An eloquent invective against it will be found in the judgment in the case of Honeyman and Campbell; and in truth, I should say it is needless to censure a rule which permits clandestine unions, to be carried out at a moment's notice, without a single record to attest them, and which sanctions their proof by a kind of evidence most liable to fraud, falsehood, and uncertainty. I believe I may say that a law such as this is confined to a single part of Europe; for in Catholic countries the Council of Trent very nearly uprooted it in the sixteenth century, and Scotland alone preserves uninjured this vicious graft of a bad system.

Bad, however, as is this law in Scotland, that of Ireland is perhaps as faulty, or more so. This is not the result of an erroneous principle pervading the whole of a code on the subject; it flows from the intolerance and impolicy of legislation in the last century, the effects of which are still too evident. I wish I had space to trace historically the growth of the law of marriage in Ireland, for it is a striking and mournful lesson of the mischiefs which bigotry can entail on society. But I can only remark that the Irish Legislature proceeded, between the Revolution and the Union, to torture the Common Law of England, in reference to the relation of marriage, into forced accordance with the ideas of making the Episcopalian Protestants dominant, of keeping down the nonconformist Protestants, and of shutting out the Catholic section from the pale of social and civil existence. With this object in view, the Episcopalian Church was allowed to solemnize marriages at will between all classes of Irish subjects—a right which, of course, it seldom exercised in reference to five-sixths of the nation. The marriages of nonconformist Protestants, if celebrated by their own ministers, stood on the footing of

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mere marriage contracts, when a statute worthy of its narrow-minded authors gave a full legal sanction to these unions, provided both the parties were dissenters, and the clergyman too of the same denomination. At the same time, the marriages of Roman Catholics, when both the parties were of that faith, were intrusted to their priesthood exclusively, who had unbounded license over them,—the idea being that this part of the nation were completely beneath the notice of the State;—while statute after statute was passed to annul any unions solemnized by Roman Catholic clergymen when either of the parties were not Catholic,—thus giving a latitude and imposing a restriction which obviously was pernicious in its consequences. And, finally, as if to complicate these evils, no statute was passed like the 26 Geo. II.; and, during all the eighteenth century, the mischiefs arising from mere marriage contracts were allowed to affect society in Ireland.

The evil consequences of this state of the law are well known, and indeed would be obvious to anyone who reflected on the subject. By exposing every marriage in Ireland to the operation of mere marriage contracts, by restricting the general power of marriage to the clergymen of one-sixth of the nation, by making the validity of nonconformist unions depend on the latent collateral fact of the creed professed by the parties and the clergyman, and by allowing the Roman Catholic priesthood to solemnize marriages between their flocks without any supervision from the State, and yet setting their unions at nought the instant a Protestant intervened—that law involved the whole marriage relation in a chaos of iniquity and obscurity which has deeply injured Irish society. I may not, however, dwell on this; and pass on to consider how far the traces of the old state of the law still operate in the existing system. There is no doubt they do so powerfully; and happy indeed would be the reformer who could obliterate them even for the future. The Irish Marriage Law chiefly depends upon the 7 Vict. c. 81. Under this measure the Established Church, and the civil registrar of the State, are the only general agents to carry out the contract between all classes of persons without regard to religious distinction; that is, functionaries who have no influence over five-sixths of the Irish nation are made the sole depositories of the power to marry them with complete safety! Presbyterian clergymen under certain restrictions are enabled to solemnize valid marriages when both or one of the parties is Presbyterian—thus making the latent accident of creed a condition to the security of the contract which is scarcely protected by a doubtful proviso; and other nonconformist Protestant marriages may be celebrated as they are in England by nonconformist ministers and registrars, the only difference being that the forms are rather humiliating and even insulting. All these marriages, which, be it observed, are probably not one-fourth of the whole, must be registered on a uniform system, while as regards Roman Catholic marriages—that is, those of three-fourths of the nation—they remain on the discreditable footing in which they were left before the Union. Now,

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as in the days of the Penal Code, the marriages of Roman Catholics in Ireland may be celebrated at the option of the parties, at any hour, without notice, without a witness, by any words, and without a single record to attest them; although it is due to the priesthood to say that they do, for the most part, observe these requisites. At the same time, the old restrictions are still in force upon this body; they may marry their own co-religionists as they please; but if they attempt to solemnize a union where one or both of the parties is Protestant or has been so within twelve months, the whole proceeding becomes a nullity. Within a boundary which eludes observation the contract is most dangerously loose; without it, however solemn it may have been, it is legally a mere nonentity.

This, then, is the law of marriage in Ireland, excepting only that mere marriage contracts have been done away with as a bar to invalidate regularly solemnized unions. We need not say that, viewed as a whole, that law is at issue with all sound principle. As regards Roman Catholic marriages—that is, those of three-fourths of the nation—they may be as hasty and as clandestine as Scotch marriages at Gretna Green; and no public register attests them. Deliberation, therefore, and publicity may be entirely wanting in these unions, defects which of course are an evil in themselves, and very perilous to other marriages. The conditions of marriage are thus obscured; while as regards Presbyterian marriages and those of other sects of Protestants, they are very harsh, and difficult of discovery. How is a person, not a Presbyterian, who marries in a Presbyterian chapel, to ascertain the Presbyterianism of the co-contractor? and why should a Baptist and Wesleyan be compelled to marry by a notice at the poor-house? And lastly, every marriage in Ireland is exposed to a series of latent impediments which very possibly may elude inquiry. Any marriage celebrated in her Established Church may be set aside by a secret ceremony performed before a Roman Catholic priest if both the parties can be proved to have been Catholic. Any marriage celebrated in her Roman Catholic Church is avoided if one of the parties can show that at the time, or within twelve months, he or she was a professing Protestant. And any marriage in her Presbyterian Church may very possibly depend on the fact that one or both of the parties at the time was or were Presbyterian Protestants. I think I may say that a code such as this—which divides itself into obscure privilegia according to sectarian distinctions,—which gives a latitude to one class of marriages which are a serious evil in themselves, and places a fetter on other marriages from which they certainly should be free,—which is so lax that it encourages seduction, and so intricate that it endangers matrimony—and which sets in hazard the greatest of contracts by reason of undiscoverable connexions, of facts really collateral and immaterial, and of unintelligible and treacherous provisoes,—requires, if possible, a thorough amendment.

Having thus endeavoured to trace the outline of the law of marriage in the three kingdoms, and to show the inherent faults of

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this law as it now exists in Scotland and Ireland, I proceed, thirdly, to notice the effects of this conflict of law within the empire. A volume might be written on this topic; so I confine myself to two particulars, which appear to me especially mischievous. It is surely a great national evil, that what legally constitutes a marriage should be different in various parts of the empire; that between three nations locally intermingled, and connected by a thousand links of union, the law of marriage should be a "Lesbian rule," which shifts according to the circumstances of place; and that acts which in England would be absolutely null may be binding marriages in Scotland and Ireland. This medley of jarring rights reminds me of the observation of the Athenian orator, "that a faulty law, if fixed and uniform, may be better than a wise one which is partial in its working;" and I need not here dilate on its mischiefs. Again, it is a result of this conflict which divides Great Britain into three regions in which marriage is differently defined, that even within these regions severally the law of marriage is not uniform. For, since with this as with other contracts, the *lex loci* governs marriage so far as regards all external forms; and since English, Scotch, and Irish marriages are therefore valid in all parts of the empire, it follows that, in each division of it, the *status* of persons and title to property may be affected by a law of marriage to which its own is completely repugnant. A marriage in Ireland celebrated by a friar, without notice or a single form, may transfer the honours of the house of Howard; and we all know, since the 26 Geo. II., and even since 6 Will. IV., that English titles and estates have devolved upon the issue of Gretna Green marriages—that is, of unions condemned by English law, but operative within the English jurisdiction. The result is, that the law, as a whole, is not only split into discordant systems, but that each of these systems encroaches on the other, and makes the entire a scene of uncertainty: "*Id vos sub legis vinculo conjicitis, qua dirimitis societatem civilem diversas ex una civitates facietis, pactionemque nuptialem, ad incertum revocatis.*"

I come now to consider, lastly, the reforms applicable to our general law of marriage. And here I must remark that it is not within my province to estimate the many disturbing obstructions in the way of legislation on this subject; that is the business of the practical politician, whose task as regards it is obviously a delicate one. I cannot doubt that irregular Scotch marriages should be abolished in the general interests, since they are not only injurious to Scotland, but spread their evils throughout the empire. As regards Ireland, for the same reasons I should advocate that its marriage law should be assimilated to that of England, the outlines of which I have traced already, with this difference, that as, in fact, our Established Church is not national, so it should not have here, as it has in England, the privilege of marrying all couples whatever, without the intervention of a State functionary. I would try and establish in Ireland the principle that marriage, in its temporal relations, is

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nothing more than a civil contract, which the State must fence round with certain precautions; but that, in its spiritual and domestic bearings, it should be clothed with any sanctions which the creed of the parties chooses to invest it with. For this purpose I would have the registrar attend at every marriage in Ireland, without regard to any religious distinction, but with the savings existing in England. I would have the contract effected by him in parish churches, or registered places of worship, or, finally, at his own office, in the same way, and with the same observances as are at present in force in England; and I would take care that the evidence of the tie should be as in England, fully registered. A measure of this kind would make our marriage law conform at last to sound principle; it would put an end to the many mischiefs which beset it at present, and vex society; and I have reason to hope that it would be welcomed by the educated majority of the Irish laity.

In conclusion, I have only to observe that this is not a local or provincial question, to be viewed with deference to class prejudices; it is emphatically an imperial subject, to be dealt with in the interest of the Commonwealth. I cannot recognise the right of Scotland to inflict a marriage law on the empire which may spread its mischiefs to its furthest bounds, and affect every family within it. Still less can I admit the right of the clergy of any denominations whatever in Ireland to perpetuate a system, the faults of which I have endeavoured to set before you. The reason of the thing, the examples of history, and even the authority of the best of the Canonists, assert the paramount right of the State to define what shall be the contract of marriage, and with what civil ceremonies it shall be attended, while they leave to the Church to declare its effects in their purely sacred and spiritual character. I claim this liberty and no more for the power of the Legislature in these kingdoms; and it is to be hoped that it will be able, in the interest of the society it protects, to lay down rules for this great contract—*origo et seminarium reipublicæ*—which shall set it free from the many mischiefs with which it is at present surrounded.

On the Changes in the Marriage Laws required, so as to insure a complete Registration of Marriages in Ireland. By Mark S. O'Shaughnessy, *Barrister-at-Law.*

The expediency of establishing in Ireland a complete system of registration of births, deaths, and marriages, has long been admitted; and Bills for that purpose have been submitted to Parliament by successive Governments. The plans proposed by Lord Naas and Mr. Whiteside, when in office in 1859, and that put forward in 1860 by Mr. Cardwell and the present Mr. Baron Deasy, as Attorney-General, were, during the last Session, referred to a Select Committee, and the result was, that a proposal for the registration of marriages only was reported to the House. That proposal, however, the

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Secretary for Ireland declined to adopt, and the question has been advanced no farther than it was by the Act of 1844, (7 & 8 Vict. c. 81, amended by 9 & 10 Vict. c. 72.) That Act was intended for the Presbyterian body. They had (as Sir James Graham, then Home Secretary, informed the House; *Hansard*, vol. lxxvi. p. 1654,) been consulted with regard to it, and it had been delayed for that purpose. It was proposed by Lord Naas that that Act should be extended, and a penalty of £5 was to be imposed on any person who should refuse or, without reasonable cause, omit to register any marriage lawfully solemnized by him (s. 39.) It did not seem to have been intended to disturb any persons holding office as registrars under the Presbyterian Act. As these persons could themselves celebrate marriages, the office was confined to Protestants, as any Roman Catholic layman assuming the function of celebrating a marriage would thereby incur ecclesiastical censures. This circumstance could not fail to have prevented the measure, if enacted, from being acceptable to the vast majority of the population; and without the willing co-operation of the clergy and people generally, the measure must have failed to effect a complete registration. Whilst for the rest of his plan Lord Naas contemplated using the police force, Mr. Cardwell, following the precedent of the English Acts in force since the close of the last reign, (6 & 7 Will. IV. c. 85,) proposed to use the machinery of the poor law, the officers of which are all elected by local boards. With regard to Roman Catholic marriages it was proposed that every Roman Catholic clergyman, immediately after every office of matrimony lawfully solemnized by him, should register the particulars of the marriage, and £5 penalty was imposed on every person refusing or, without reasonable cause, omitting to register any marriage solemnized by him, or which he ought to register. The judgment of the Court of Queen's Bench in Ireland decided (in the case of the *Queen* v. *Taggart*, reported 9 *Irish Law Reports*, p. 395) that, under the operation of the 7 & 8 Vict. c. 81, s. 45, a Roman Catholic clergyman became liable to transportation for celebrating a marriage between a Roman Catholic and a person who had been, or professed to have been, a Protestant, at any time within twelve months before such celebration of marriage. Such marriages, as is now well known, are by the Act of 1746 (19 Geo. II. c. 13) declared to be absolutely null and void. Here, then, was a class of cases more numerous than would readily be conceived, which the proposed legislation failed to meet. Possessed, by means of the practice and discipline of his Church, of peculiar sources of information, and impelled by his sacerdotal duty to risk all consequences in life to withdraw his penitent from a state of sin, or to avert the danger of it, the Roman Catholic priest has no choice but to celebrate that marriage, which, valid in the eye of the Church, is null and void according to law, and he does not shrink from incurring the penalty which the law has set upon his so doing.

To any observation that marriages secret and legally informal are

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likely to be, and generally, in fact, are, productive of distressing and frequently disastrous consequences, it can only be answered that they are the result of the pressure of conscientious duty, as opposed to that of penal legislation, and will therefore be persevered in as often as the necessity of circumstances seems to call for them; and that the wiser course for legislation to take is to meet such cases as will, from the existing state of society, inevitably be of frequent occurrence. These marriages, not lawfully solemnized, the Roman Catholic clergyman cannot be expected to register; to do so, would, of course, be useless except for the purpose of exposing himself to prosecution.

The late Lord Chancellor, Lord Campbell, took this subject in hand, and on the 30th May of the present year presented to the House of Lords a Bill to amend the law relating to marriages between Protestants and Roman Catholics in Ireland. Now, in legislating for this country, it must not be lost sight of, that the legislation is for five or nearly six millions of people, (5,764,543,) of whom the Christian population is made up of 1,273,638 Protestants of all denominations, and 4,490,583 Roman Catholics. (With Jews, 322; total, 5,764,543.) If, then, the legislation is to be effective, the habits, the sentiments, the prejudices even, of those who form the majority of the population, in the proportion of nearly four to one, must be kept in view; and enactments ought not to be made which would be incompatible with the discipline and practices of the Church of the majority. It was the proposal of Lord Chancellor Campbell that the solemnization of a marriage between a Roman Catholic and a person who was not a Roman Catholic was no longer to subject a Roman Catholic priest to any punishment, pain, or penalty whatsoever; but certain conditions should attend the celebration of the marriage. Lord Campbell also proposed a partial repeal of the 19 Geo. II., that is to say, so much as provided that a marriage solemnized by a Popish priest between a Papist and any person who hath been, or proposed to be, a Protestant at any time within twelve months before such celebration, should be void, the validity of the marriage being dependent on the performance of those conditions which were to exempt the celebrant priest from incurring penalties for the celebration of the marriage. It is to be presumed that, whatever was the policy which led to the enactment of 1746, or whatever were the reasons of State which suggested the discouragement of such marriages, no political causes now exist which should lead the State to discountenance them, or place obstacles in their way. Now, Lord Campbell's Bill made necessary to their validity, and to the immunity of the celebrant priest, that the same notice required by the Presbyterian Act to be given to the registrar in case of a marriage according to the rites of the Established Church, (marriage by licence, or special licence, or after publications of banns excepted,) should be given, and his certificate be issued; that this certificate should be delivered to the celebrant priest; that after the notice, twenty-one days should have elapsed before the marriage, and that

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three months should not have elapsed; that the marriage should be celebrated in a Catholic church or chapel, in the registrar's district and mentioned in the certificate; that the ceremony should take place within specified hours, (between eight A.M. and two P.M.,) with open doors, and before witnesses; and that the priest should sign the certificate set forth in the Act of 1844, and himself deliver it to the registrar.

It is to be supposed that the object of all these formalities is to prevent clandestinity; such in the interests of morality has been the object of *Church* regulations as to marriage even from the first ages. But the point to which legislation should tend should be to procure a record of the fact; in the interests of society this should exist in every case; and it should be a record readily accessible and easily capable of proof. If this can be attained—if a plan be practicable by which this may be effected without interference with any ecclesiastical arrangements or discipline, surely that plan should be adopted in preference to a course so impolitic and so unwise as the attempt to impose conditions upon any clergy which may clash with their duty to their Church and occasionally interfere with the free exercise of their sacerdotal functions. Moreover, whatever are the civil formalities to be enforced, they should extend to all classes of subjects without difference or distinction. With that view, they should be simply civil in their character, and have no reference to the sacerdotal act. What more should the State require than to provide for the necessary evidence of a contract? This is its duty, rather than to prescribe what should be the essential or constituent parts of the contract itself. The question is not wisely solved by imposing upon one set of religionists conditions to which others are subject, but by devising such a plan as would admit of uniformity amongst all, whilst protecting duly the interests of society at large. With this view, all legal restrictions which prevent marriages between persons of different creeds should be entirely removed; it should not be necessary to hunt after evidence as to religious belief or profession during the twelvemonth before or upon the day of marriage, nor should there be any penal consequence attending the act which would prevent its being duly acknowledged by the celebrant or the parties, whatever their creed may be. For this purpose it may be enacted that—

Whereas, under and by virtue of an Act passed in the nineteenth year of the reign of his late Majesty, King George II., every marriage that shall be celebrated after the 1st day of May, in the year 1746, between a Papist and any person who hath been, or hath professed himself or herself to be, a Protestant at any time within twelve months before such celebration of marriage, or between two Protestants, if celebrated by a Popish priest, should be, and is thereby declared to be, absolutely null and void to all intents and purposes, without any process, judgment, or sentence of law whatsoever. Be it enacted, &c., that so much of the said Act is hereby repealed.

And be it enacted, that after the passing of this Act, no Roman Catholic priest shall be subject to any punishment, pain, or penalty whatsoever, for solemnizing any marriage between a person who is not a Roman Catholic, or who may not profess the Roman Catholic religion at the time of such marriage.

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To secure proofs of all marriages, the machinery of the English Act, 6 & 7 Will. IV. c. 85, (s. 16,) and of the Irish Act, 7 & 8 Vict. c. 81, may be availed of, the duty being wholly cast upon the contracting parties, to have a record duly existing of their own marriage, and their neglect being made punishable by the Crown.

The enactments may be as follows:—

That in every case of marriage intended to be solemnized in Ireland after the day of , one of the parties shall give notice under his or her hand in the form (Schedule A) to this Act annexed, or to the like effect, to the registrar of the district, within which the parties shall have dwelt for not less than seven days then next preceding; or if the parties dwell in the districts of different registrars, shall give the like notice to the registrar of each district, and shall state therein the name and surname, and the profession and condition of each of the parties intending marriage, the dwelling-place of each of them, and the time, not being less than seven days, during which each has dwelt therein, and the church or other building in which the marriage is to be solemnized, which must be within the district within which one of the parties shall have dwelt for the time last aforesaid; but if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month or upwards.

That the registrar's certificate, or, in case the parties shall have given notice to the registrars of different districts, the certificate of each registrar, shall be produced to the officiating clergyman, who shall, immediately after the solemnization of the said marriage, if the same shall take place, endorse upon the same the particulars in the form (Schedule B) to this Act annexed; and in case he shall omit or neglect or refuse so to do, it shall be lawful for the parties between whom the said marriage shall have been so solemnized, within one month after the solemnization of the said marriage, to make and subscribe, or cause and procure to be made and subscribed, a declaration of the fact of the solemnization of the said marriage, and such declaration shall be in the form (Schedule C) to this Act annexed.

That immediately after the said endorsement shall have been made as aforesaid, or, in default thereof, immediately upon the said declaration having been made, either of the parties between whom the said marriage shall have been so solemnized shall transmit the said certificate so endorsed, or, in default thereof, the said declaration, to the superintendent registrar of the district in which such marriage shall have been solemnized, and the said registrar shall forthwith duly register the said marriage according to the particulars in the said endorsement or the said declaration stated, and shall deliver or cause to be delivered to either of the said parties, upon application therefor, a certificate of such registration. Provided always that the said registrar shall, before registering such marriage and issuing such certificate as last aforesaid, make, or cause to be made, if he shall think fit, such inquiries as to him shall seem fitting and necessary to satisfy himself of the truth of the statements or other the matters therein contained.

These may be shortly stated to require,—

Notice to the registrar (superintendent) seven days before the marriage.

Production of the registrar's certificate to the officiating clergyman.

His certificate, duly attested, of the solemnization of the marriage, to be recorded on the registrar's certificate.

In default thereof, a declaration by the contracting parties and two witnesses to be made before a magistrate.*

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* The registrar may be empowered to receive the declaration in the manner provided by 5 & 6 Will. IV. c. 62, s. 18.

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The certificate endorsed, or the declaration, to be lodged, within one month after the marriage, with the registrar.

His certificate to be evidence of the marriage, according to the provisions of the 6 & 7 Will. IV. c. 86, s. 38, and 14 & 15 Vict. c. 99, s. 14.

For the neglect of these formalities, a punishment should be imposed, not so severe as not to be enforceable in every case, and yet so much so as to be deterrent.

FORMS.

A.—Same as Schedule B, 7 & 8 Vict. c. 81.

B.—I, ———, a duly ordained priest (or duly consecrated bishop) of the Roman Catholic Church, do hereby certify that, on this day, the within-named A. B. and C. D. contracted marriage before me at———, in the parish of ———, county of———.

Witness my hand, this ——— day of———, in the year 18———.

(Signed)

Parties names { A. B. C. D.

Witnesses present at the above marriage who have signed their names on the day and at the place above-mentioned.

Name. Abode. Profession or Calling.

C.—We, the within-named A. B. and C. D., do solemnly and sincerely declare that, on the —— day of——— last, we did contract marriage before the Rev. ———, a duly ordained priest, (or the Most Rev. ———, a duly consecrated bishop,) of the Roman Catholic Church, at———, in the parish of ———, county of———.

Dated this ——— day of———, in the year 18———.

(Signed) A. B.
C. D.

We, the undersigned, do solemnly and sincerely declare that we were present at the solemnization of the said marriage, at the time and place aforesaid.

(Signed)

Name. Abode. Profession or Calling.

The above declarations were made and duly signed by the several persons whose names are signed thereto, before me, one of Her Majesty's Justices of the Peace for the county aforesaid, on the said——— day of———, in the year 18———.

(Signed)

———, J. P.

The Marriage Law of Scotland. By J. Campbell Smith, *Advocate.*

According to the law of Scotland, marriage is a contract, to complete which the only essential is the consent of the man and woman to become husband and wife. That consent does not require to be expressed in any form of words, or in words at all, if it be a necessary inference from the conduct of the parties. Nor does it require to be preceded by proclamation of banns, or to be attended by any ceremony, religious or the reverse. Indeed, the Presbyterian doc-

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trine expressed in law, and distinguishing legal obligation from religious duty, is, that religion has nothing more to do with the marriage contract, as a civil contract, than with any other of the ordinary secular contracts of life, in which no interest is involved except what can be estimated in money value; and accordingly Presbyterian marriages of the most regular sort are never celebrated in churches, but in private houses, a minister of the Church being present to exhort the parties, and listen with other witnesses to the interchange of consent to marry, but his presence or his absence being of no consequence whatever to the validity of the contract.

This is the Scotch law with regard to the presence of a clergyman; but the almost universal practice in Scotland is for a clergyman to be present to tell the parties of their religious duties. He conducts the ceremony, which in substance is usually much like the Church of England marriage service, though no style of words is observed by any two clergyman, or twice by the same clergyman. The notion in England and Ireland seems to be that all, or nearly all, the marriages in Scotland are irregular, but the very contrary is the fact. There is not one irregular marriage for five hundred regular marriages. The parties who enter into such a marriage are liable to be punished by fine and the censure of the Church, and the celebrator of them by banishment from Scotland.

Public opinion looks down upon irregular marriages; they are never entered into without very urgent reasons, and the choice usually lies between these and no marriage at all. They are necessary evils, permitted on the principle of choosing the lesser of two evils; for if they were not recognised by law, the result in nearly every case would be the ruin of the woman, and the complete immunity of the man who had ruined her from all legal consequences worthy of the name. Further, besides doing justice to the mother, who may have been more or less imprudent, they do justice to the children, upon whom no human law ought to visit the iniquities of their fathers or the imprudence of their mothers.

Between regular marriages in Scotland and England there is no difference in law worthy of note. Both are valid; but as to irregular marriages the laws of Scotland and England differ entirely, because the law of England, since 1753, does not recognise the validity of irregular marriages, whereas the law of Scotland does recognise their validity to the fullest extent that they are capable of proof. The practical, and it may be the irreverent, mind of Scotchmen does not set much value upon consecrated churches, registered chapels, and special licences. They do not deny that these things may be safeguards of decency and remedies against fraud, but they take leave to entertain the conviction that insisting for these forms, to the exclusion of everything else, merely conceals indecency, and offers immunity to that most villanous kind of fraud which cheats a confiding woman out of her virtue, the one possession which she cannot lose without irretrievable social degradation. They do not pretend to defend irregularity for its own sake; they will admit that

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irregularity is not in itself a nice or pretty thing at all. But somehow it exists among mankind and in the world in all departments of nature, physical, intellectual, and moral; and Scotchmen did not make the world, and English taste for regularity will not greatly succeed in altering it. Irregularity is a *fact* in nature and in society, and especially in the relations between the sexes, whatever the English law of marriage may assume to the contrary. The Scotch marriage law makes no such false assumption. It accepts the result of experience that there will be irregular marrying and giving in marriage, or something worse, and it tries to adjust itself to necessity, and of two evils selects that evil which is most tolerable. It strives to do justice, and that is all that is possible for human frailty. The English law of marriage for a century has been refusing to attempt to do justice because it is difficult, and success is a work of labour and uncertainty. If this principle were carried out, it would abolish law entirely, for at the best law is but a rough approximation to justice, though such rough approximation is believed to suit the interests of society better than no law at all.

Such is the theory of the law of Scotland in regard to irregular marriages, and it was the theory of all Christian countries until 1563, when the Council of Trent decreed that all marriages not celebrated before a priest and three witnesses should be void and null. England, at that time under the rule of Elizabeth, of course did not acknowledge the decree of this Roman Catholic Convocation, nor did Scotland; but England, 190 years afterwards, enacted a very similar decree for itself, in the Act known as the Marriage Act, 26 Geo. II. c. 33, which the English Blackstone so little approved of as to characterize it as "an innovation on our laws and constitution:"* and it seems that some Englishmen would like to extend the benefits of English experience since 1753 to Scotland. We of Scotland decline the favour. We believe there were wise legislators and lawyers before 1753, and for a generation afterwards, during which this law was most unpopular and fertile in immorality and fraud. We prefer to think with them and with the expounders of the Canon Law from the Papal chair and other high places throughout Europe for centuries before the Council of Trent. We think that English experience since a generation after 1753 is not quite adequate to upset all the philosophic jurisprudence of Europe. Perhaps, if benevolent Englishmen, loving justice, will look well to their own marriage law, they will find that it is not quite perfect, and that it is notably unjust to women. They may find scope for their legislative benevolence nearer home than Scotland.

What part of the Scottish law of marriage may be most objected

* This is hardly correct. The sentence quoted by the author (Commen. Vol. I. page 438) applies only to the alteration of the law concerning the marriages of minors without consent of their parents. When Blackstone, at a subsequent page, speaks of the enactment which rendered a marriage invalid, unless solemnized in a church, and before two witnesses, he does not utter a word of disapproval.—Ed.

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to or objectionable I have never been able to discover. Those who write and speak against it always confine themselves to general declamation, which is, perhaps, the only instrument by which a good law can be attacked. It would be more satisfactory if these speakers and writers would try to know a little about the law they are pleased to abuse; and if they would put it to the test of showing that in *special* instances it has been productive of injustice, they would have a chance to convince. I have an idea that it would not be difficult to point out many special instances in which English law has been productive of gross injustice, because it ignores wrong instead of trying to find out the way to redress it, and tempts the wrong-doer to execute his villany by the certainty of impunity. I will not say that the Scottish law recognising irregular marriages has never been productive of injustice—that would be a strong thing to say of any law—but I will say, and say it most deliberately and conscientiously, that I could not pick out *one special* instance among the reported decisions and say, "Here that law has been the means of injustice." It is easy to conceive special instances of a different kind, to imagine boys of fourteen with prospects of wealth led into irregular marriages by scheming women of forty, and old men duped into marrying mistresses, who have borne children, to give heirs to their estates, and so legitimating children that are not their own. But it is also easy to conceive of silly young men of twenty-one being entrapped into regular marriages of no comfortable kind, and silly old men too; for there is no law, however excellent, that can save individuals from the consequences of their own imprudence, or prevent fools from bringing misfortune upon themselves. But an ancient law is not condemned on loose imaginations of what may be, not one of which has been verified in a thousand years. The crucial test would be one exact demonstration of what has been.

To that test the people of Scotland readily submit the marriage law of their country, and they ask, "When has it produced injustice?" And they further say, "It has not only not produced injustice, but it has attained justice, which, under another law, would have been unattainable. It allows an irregular marriage to be proved by all competent evidence—by a writing signed by the parties acknowledging marriage, by the evidence of those who may have heard the acknowledgment, by letters addressing each other as husband and wife, by living together as husband and wife, and acknowledging each other among friends and neighbours as such,—or, in technical language, being habit and repute married persons,—by a promise of marriage, followed by cohabitation, which, according to the presumption of law, completes the contract and consummates the marriage; in short, by all evidence from which a consent to marry can be fairly and safely presumed. The Court itself decides upon the evidence, because, hitherto, it has been judged unsafe to risk such delicate questions to a jury, which would be apt to be led away by generous impulses, most probably in favour of the woman. But, for my part, I should be for allowing a jury to decide on such questions. They

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are not likely to go far wrong; and so long as juries decide upon the lives and liberties of men, I do not see why they ought not to decide upon their marriages. But in Scotland we do not have before the Court more than one or two irregular marriages in a year, and there is, therefore, no great need for the services of a jury to relieve the Court from about the most interesting and romantic part of its duty.

Although Scotland does claim some credit to itself for its marriage law, and is nearly to a man, and certainly to a woman, resolved to retain it, the elaboration of that law is chiefly due to English judges. Lord Eldon and his brother, Lord Stowell, and Lord Brougham, have done more to expound the Scottish law of marriage than all the Scotch judges of modern times; and I daresay, if they had seen any special iniquity in it, that they would have tried to evade it. But when these judges sustained irregular Scotch marriages, they seemed ready to welcome the Scotch law of marriage as an instrument by which they could do justice—most undeniable justice. The judgment of Sir William Scott, (Lord Stowell,) in the case of Dalrymple, in the Consistory Court of London, in 1811, is the most learned, lucid, and masterly exposition of the Scotch law of marriage in existence, and to that great judge it seems to have been rather a labour of love than an irksome task to write this celebrated exposition; and as a lawyer I can say, that to read it is certainly to traverse a refreshing green spot amid the general aridity of legal literature. The gentleman in that case, of which, as well as of three others, I shall give you a brief outline by way of example, was a Mr. Dalrymple, afterwards Lord Stair; the lady was a Miss Joanna Gordon, of respectable and wealthy family. He had been brought up in England, though of Scotch family, and came to Edinburgh with his regiment as a cornet of dragoon guards when he was nineteen, and there being introduced to the lady he made violent love to her, though she was his senior by at least two years, being upwards of twenty-one. They first exchanged promises of marriage, then explicit acknowledgments of marriage *de presenti*, and next a mutual promise to keep the marriage secret, as he was afraid, or professed to be afraid, (as nearly all these gentlemen who marry clandestinely profess,) that his father and relations would disinherit him. After about six or eight weeks' intercourse he removed to England, and thence wrote her letters expressive of strong conjugal passion, calling himself her husband and her his wife. Then he went to the Continent, and after a year's residence there his affections cooled, and he directed her letters to him to be intercepted. The friend who received and carried out that direction was led into writing to her. She, when she knew that he was in correspondence with her husband, told him cautiously about the marriage and her intention to insist on it, haughtily spurned hush-money as a matter to be treated almost with silent disdain, and, in reference to a rumour of his marrying another wife, wrote, "Any real friend of Mr. Dalrymple's ought to caution him against forming any new engagement." Three years after he

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had parted from her he came home from the Continent, received a caution of the strongest kind from this confidential friend against ruining any other lady by professing to marry her, and within a few days of his being warned he married a Miss Laura Manners, a sister to the Duchess of St. Albans. Sir William Scott pronounced unhesitatingly in favour of the Scotch marriage, expressing his regret for the distress which his judgment would cause to Miss Manners and her friends, but not in the least hinting that Mr. Dalrymple had been duped or acted any part except that of a rash and heartless young officer, for whom his profession of arms and alleged ignorance of the law of Scotland were not excuses either in morality or in law.*

The brother of this judge, the distinguished Lord Chancellor Eldon, pronounced the next leading judgment of note, in the House of Lords, in the case of M'Adam, which, though not without a tragic element, was not so miserable and horrible as the preceding. Quintin M'Adam, the proprietor of valuable estates, some of them entailed, in the country of Ayr and the stewartry of Kirkcudbright,—who had two brothers married but without family, and another brother, who had a family, that he greatly disliked,—induced Elizabeth Walker, the sister of a farmer, to go and live with him. She lived with him for five years, and bore him two children. On the morning of the 22nd March, 1805, after breakfast, he called in three of his male servants, asked Miss Walker to rise, took her by the hand, and holding it, said, "I take you three to witness, that this is my lawful married wife, and that the children by her are my lawful children." She said nothing, but curtsied assent. He went out over his farm, returned home about three o'clock, wrote, as it appeared, a codicil to his will, and shortly after was found dead, with a pistol grasped in both his hands, with which he had evidently shot himself. The Courts of Scotland found that the declaration of marriage in presence of the servants made a valid marriage, and legitimated the children; and the House of Lords, advised by Lord Eldon, affirmed the judgment, the only question being, whether M'Adams' suicide afforded evidence of insanity, to void the marriage; but there being no evidence of insanity, apart from the act itself, and there being an evident purpose to marry Miss Walker, and legitimate his children, entertained for years, it was held that the *de presenti* declaration of marriage was a rational act, and formed a valid contract, both for the mother and the children, legitimation *per subsequens matrimonium* being a doctrine of the law of Scotland, which, though often recommended in England by the Roman Catholic clergy, was never accepted by the laity.†

In another case of *Reid* v. *Lang*,‡ another Scotch laird was married, but in this instance much against his will, by Lord Eldon. He had courted a girl, the daughter of a labourer, on his estate of

* 2 Hagg. Cons. † 1 Dow's Appeals, p. 148.
‡ 1 Shaw, 440.

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Ratho-bank, near Edinburgh, and given her a paper in these terms:—"I hereby engage to be a true, a faithful, a kind, and an affectionate husband to you, on conditions that you are the same to me; and I further engage to show this to no person, and to make it known to nobody whatever without your consent.—GEORGE REID. Oct. 18, 1808." The girl, who had been a servant to his mother about the time the intimacy began, and was only eighteen when he was nearly twice as old, went to be a servant in Edinburgh, and continued to be a respectable and apparently unsuspected servant for many years. During the time between 1808 and 1816 he was in the habit of visiting her in the houses where she was a servant, and several times remained with her nearly the whole night. He wrote her 200 or 300 letters, very warm and Eastern in their expression, and called her in some of them his wife. After about fourteen years of a courtship, she insisted in an ill-spelt letter for the solemnizing of "our marag on Wednesday fortnight." But it was not to be settled in such a hurry; and it was twenty-one years from the beginning of the intimacy before Lord Chancellor Eldon finally pronounced them man and wife, crushing down the dishonest pleas of Mr. Reid, who professed that his promises meant nothing and that his acts were entirely platonic, with a heel of iron, and holding that whether the writing quoted above constituted marriage or not, the long loving correspondence contained a promise of marriage which was afterwards acted on so as to become marriage.

Lord Eldon said, in reference to this method of marriage by promise, *subsequente copula*, in all probability the girl did not know that a copula would make a marriage; and feeling at the same time startled and jocular at such a doctrine, he proposed that some sort of proclamation should be made to warn Englishmen of the risks they ran of getting married in Scotland.

Perhaps Mr. Reid did not know either that he was marrying this young, simple labourer's daughter. The likelihood is that he thought he was merely seducing a very difficult, because virtuous subject, for he destroyed her duplicate of the declaration that she was his wife, and his letters, though excessively rhapsodical, are, when closely scrutinised, evidently cautious and insincere, straining at times to say strong things when he thought them safe, and stopping at others when the words that would most readily rise to his pen would have been a direct acknowledgment of marriage. But the Scotch judges and Lord Eldon were a great deal too much for his cleverness and caution.

In a very similar, but far stronger and more touching case, that of *Campbell* v. *Honyman*, Lord Brougham advised the judgment of the House of Lords, and married a son of one of the judges of the Court of Session, a baronet and an M.P., to his sister's governess. He had courted the lady, and written her letters professing virtuous and honourable love, and, as she said, had married her privately in the hearing of one of his sisters. She had two daughters to him, and concealed the marriage

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most resolutely for many years, until she was reduced to poverty, and imprisoned for debt, and compelled to disclose it. His conduct was in the last degree heartless; and his sister Jemima, who was alleged to know all about it, swore stoutly that she never heard any thing of a marriage between her brother and her governess, that she never noticed any familiarity between them, and never alluded to anything of the sort to the lady as she insisted she had done. Uncharitable people might have doubted sister Jemima's veracity, but still, without her evidence, there was no proof of marriage *de presenti*, and the marriage held to be established was one of promise *subsequente copula*. Lord Brougham thought that the love-letters, though not containing a promise of marriage in so many words, could not be read as intending anything else than marriage, and as leading the lady to believe that her master's son was courting her with a view to marriage alone; and his lordship held that if he had thought the promise of marriage ambiguous, which he did not, he would have been of opinion that the subsequent cohabitation cleared up the ambiguity, and proved it to be a promise of marriage. Just as if he entertained any doubt on evidence as to whether a price has been stipulated, that doubt would be cleared away if the price had been actually paid.

These are four cases which may be called specimen cases. Except for the distinguished eminence and ability of the judges who ultimately adjudicated upon them, and the fact that they were all English judges, they do not differ from other cases of declaration of marriage in Scotland; and I ask any man, with the feelings of a man, to deliberate with himself, and to say, if he can, that injustice was done in these cases, and to note that, but for the peculiar law of marriage in Scotland, these four women and their children would have suffered grievous injustice. I wonder what man, except some ignorant mouthy adviser of incessant changes in legislation, would propose to abolish a law which satisfies the people who live under it, and which so well, so incontrovertibly well, fulfils the highest and only end of the law, which is the administration of justice?

The arguments against the recognition by law of irregular marriages are not very easily ascertained. No argument can be drawn from authority, for the authority of great systems of law, the civil and the canon law, is expressed in the law of Scotland, and the experience of England since 1753, or rather 1781, when the House of Commons, by a vote of 90 to 27, passed a Bill for the repeal of Lord Hardwicke's Marriage Act, can scarcely be set against the experience of England before 1753, of all Europe besides. The main argument is, I believe, the expediency of having proper evidence of marriage; but it is not very easy to see why it should be more difficult to prove a marriage than to prove any contract of buying and selling, which may be of far more consequence to the State than the marriage of two obscure citizens; or that a man should be sent to penal servitude for life, or condemned to die, on evidence that would not prove a marriage for the benefit of his

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children and the woman who trusted to his vows. The slow wisdom of Scottish lawyers has not been able to see in marriage anything to make it more difficult of proof than a crime, which does not require to be committed in a church before a clergyman and two witnesses in order to bind the criminal to pay the penalties due to society for his offence, and send him to the penitentiary or the scaffold. Marriage, one would think, is as likely to take place, according to every law of probability, and ought, therefore, to be as easily proved as theft or murder.

Another argument against recognising clandestine marriages is, that they are not strictly moral, and ought not to be encouraged; that, in fact, to recognise them throws a new temptation in the way of female frailty, and would be, rather than otherwise, destructive to female virtue. There is some truth in this, but the chances are that the virtue of the woman, which would give way on the faith that a clandestine marriage would be legal, would yield at any rate to the adjurations, entreaties, and vows of her lover. Solemn promises of a regular marriage are about as tempting as the certainty of a clandestine marriage which it may be difficult to prove. But if the legalizing clandestine marriages would weaken female virtue, it might have the opposite effect upon male virtue, as a fast gentleman would hesitate to promise marriage or purpose to seduce if he knew that the consummation of his desires would be an actual marriage. Nor would he be likely to live with a lady at bed and board, and introduce her as his wife, if he knew that in so doing he was marrying her. The effect of the Scottish law is to transmute vice into virtue in spite of itself; and to some men compulsory virtue is not so pleasant as vice. To make mankind virtuous by enactment of civil law is an impossible feat, and it is not likely to be accomplished or at all advanced by a law which protects the aggressor and sacrifices the aggrieved.

The necessity of a marriage ceremony, and of that ceremony being performed by a clergyman in a church, is intelligible if marriage be held to be a sacrament, as the Roman Catholics hold it; but the sort of marriage ceremony required to be gone through in a church or licensed chapel by the civil law of England is not intelligible in the light of any religious or ecclesiastical principle.* If marriage is essentially a mere civil contract and not a sacrament, as all Protestants profess to believe, why should it be entered into in church? Expediency has the ready answer—(1) That the superstitious vulgar respect what they do in church, and are, therefore, more likely to observe the marriage vows there entered into; and (2) That it is necessary, for the sake of preserving incontrovertible evidence of marriage, that it should be solemnly gone about before a priest and witnesses. So far expediency speaks plausible and partial truth,

* The author of the paper does not seem to be aware that since the Marriage Act of 1884, marriages may be celebrated in England, and that many thousands are annually celebrated, before a civil officer, without any religious ceremony, and by the simple consent of the parties certified by registration.—Ed.

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and expediency is entitled to all the benefit it can take from superstition and evidence. But if it be necessary to the honest fulfilment of a contract, and to the proof of it, that it be entered into in church, why should not every civil contract be made in church instead of in the market-place? Why should a man not purchase his estate in church if he think that he has less chance to be cheated there? and why should he not lend money before the altar if he believes it will be more honestly repaid? If expediency would look a little ahead, it would see that the principle which justifies and requires marriage in a church would bring the money changers back to the temple, and turn it once more into a den of thieves. All the acts and relations of brief human life,—

> "A moment's sparrow-flight
> Between the two unknowns of birth and death;
> An arrow's passage from an unknown bow,
> Toward an unknown bourne;"

are, in a sense, sacred; but we do not on that account sleep in churches, and dress ourselves in consecrated cloth.

As to evidence, I really do not see that the precautions required by the law of England are in the least degree better calculated to defeat fraud—their only legitimate purpose—than the rules of the law of Scotland; while it must be admitted that they are very well calculated to defeat justice and shelter rakes and knaves. The evidence of a clergyman, and of two or three witnesses who are in the habit of seeing many marriages, is not likely to be of much value, whether they may have observed the parties or not, since old age, the small-pox, and many of the ills and accidents of life, play such freaks with personal identity. It is very possible to conceive of a case where the clergyman, or the registrar, and the witnesses have no recollection whatever of the parties married, and where their evidence would be quite worthless. Now surely that kind of evidence of consent to marry is not so supremely excellent as that it alone should be admitted, and the evidence of friends and relatives to a private marriage as a *habit* and *repute* marriage, where the woman has sat at table, and been treated as a wife for years on years, should be excluded. Rules to sift evidence are good only when they do not exclude the light of truth. The true and only rightful end of law is justice, and justice ought to be reached at whatever expenditure of effort, whenever it is possible to reach it. To embody this principle is the struggle of the Scottish marriage law. It may fail, all human efforts sometimes fail, but it resolutely makes the attempt. On the contrary, the law of England refuses to make the attempt. It says in effect, "to do this sort of thing is very troublesome, and our law courts cannot be troubled. Our legal huntsmen may very well be allowed to pursue justice on level ground, where there are no hedges, no thickets, no swamps, and no precipices; but among such impediments and obstacles justice is not worth the pursuit. Women who are so silly, so imprudent, so easily deceived, as not to adhere to the appointed rules, whether

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aware of them or not, can have no redress. It is not the business of law to protect those who have neglected to take care of themselves; at least, in the matter of marriage, the protection of the weak and the betrayed is so difficult, that law cannot be befooled into trying what sometimes will not succeed." And so, like a cautious general, who will not take the field unless he has three or four times the strength of the enemy, and can conquer without risk or effort, English law stands by dignified and looking on the utter ruin of womanhood, and declining to interfere, because womanhood is impulsive, imprudent, and all-too-believing. Scotland is not a very chivalrous country, gallant speeches are far rarer on Scottish than on English lips, and it is not part of the cautious Scotch character to undertake more than can be accomplished.

REPORTS OF COMMITTEES.

*Report of the General Committee on Mercantile Legislation.**

YOUR Committee have, during the past year, as in the preceding, devoted their attention almost exclusively to the English Bankruptcy Law Amendment; and although the Government Bill has passed into a law, they cannot congratulate the Association on its labours on this subject having terminated, for the defects and incompleteness of the new Act will, probably, render necessary further amendment. This Act received the Royal assent on the 6th of the present month, and will come into operation on the 11th of October next. It falls short in some important particulars of the Bill which was prepared under the direction of your Committee, and introduced into Parliament by Earl Russell and Mr. Headlam in 1859, but it will effect many valuable reforms. It is satisfactory to observe that the most important features of the Act are founded on the principles which were enunciated at the first meeting of the Association, in 1857, and which your Committee in every communication they have had with the Government have uniformly insisted on as essential to bankruptcy reform. These are—the abolition of the distinction between bankruptcy and insolvency, and between trader and non-trader; the increased facilities for voluntary settlements between debtors in a state of insolvency and their creditors; the extension of bankruptcy jurisdiction to county courts; the registration of deeds of arrangement, with power to enforce their due observance in the Court of Bankruptcy; the relief of the creditors' funds from the charge of the compensations payable to the former holders of abolished offices; and increased punishment of fraudulent debtors. Some of the minor provisions of our Bill are also adopted, such as those providing a simpler and less expensive mode of proving debts and paying dividends. The principles which have been advocated by

* *Trans.* 1860, p. 167.

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your Committee, and have not been adopted in the new Act, are—the consolidation of the statutes relating to bankruptcy and insolvency; the transfer of the salaries of the Commissioners and officers from the creditors' funds to the consolidated fund; the administration of the estates of deceased insolvents; the payment of the official assignees, partly by salary, and partly by a percentage; the abolition of the office of messenger. If the Act had dealt with its subject thoroughly and perfectly, it would have been a matter of serious regret that it was not a consolidating measure; but as it is but a partial amendment of the law, and as some of the amendments will probably require considerable modification, its non-consolidating character may be a subject of congratulation. The parts of the Act chiefly requiring amendment are those relating to the assignees, official and creditors'. The mercantile community generally are of opinion that the provisions as to creditors' assignees are such as will deter respectable and competent men of business from accepting the office, and the remuneration of the official assignees being by a fixed salary deprives the creditors of any guarantee for their activity and zeal. A remarkable omission is made in connexion with the discharge of the creditors' assignees. The Bill provided (187th clause) that after a final dividend the creditors' assignee should submit his accounts to a meeting of the creditors, and then might apply to the Court for an order of discharge, which it is empowered to make. This was followed by other clauses declaring the effect of the order, requiring the assignee to pay unclaimed dividends into the bank, and that after his discharge the official assignee shall represent the estate and exercise all the powers which would otherwise have been vested in the creditors' assignee. The Act omits the first clause altogether and retains the others. The 180th section declares "the order of discharge shall operate to release the creditors' assignee," &c. And the only order of discharge previously mentioned is the order of discharge of the bankrupt. (Sec. 157 and following.)

At the meeting of the Association held at Bradford, the "Fraudulent Imitation of Trade Marks" formed the subject of a paper,* and, in the discussion which followed, an opinion was generally expressed that some legislative provisions were desirable. Representations were made to the Board of Trade, by deputations from several Chambers of Commerce, and from your Committee, and the Government introduced a Bill, which passed the House of Lords, but was withdrawn in the Commons. It proposed to declare the counterfeiting of trade marks, the selling of goods with false indications of quantity, the forging the names of artists on paintings, &c., to be misdemeanors. This Bill was considered to be defective in not providing a registry of trade marks. This, or a similar measure, will, doubtless, be reintroduced next Session, and will receive the attention of your Committee.

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* *Trans.* 1859, pp. 229, 269.

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*Report of the Special Committee on the Patent Laws.**

THE founders of the British Association at the conference at York, in 1831, pointed out the revision of the Patent Laws as one of the objects specially deserving the attention of a scientific association; and committees have from time to time been appointed and have reported in furtherance of that object during the last thirty years, and especially since the enactment of the new Patent Laws, which came into operation on the 1st October, 1852. Many of the grievances complained of—namely, the first cost of patents; the separate patents for England, Scotland, and Ireland; the delay and consequent risk in passing through the several offices of the three countries; the absence of all protection until the patent was obtained; the inaccessibility of the specifications of existing patents—have been removed, but others still exist which have been the subject of the reports of the committees, and of discussions at the meetings of the Association.

At the Liverpool meeting of the British Association, (September, 1854,) attention was specially directed to the appropriation of the moneys—amounting to upwards of £70,000 a year—raised from inventors obtaining or applying for letters patent; and a committee was appointed "for the purpose of taking such steps as may be necessary to render the patent system, and the funds derived from inventors, more efficient and available, for the reward of meritorious inventors, and the advancement of practical science."

The report of the Committee, and the reports of committees appointed at subsequent meetings of the Association at Glasgow, Cheltenham, Leeds, and Aberdeen, concur in recommending that the surplus derived from the fees on patents, and which have been termed the inventors' fee-fund, should be applied at present to—first, the erection of suitable offices for the Commissioners of Patents and a free library of reference and consultation; secondly, the erection of a museum for the preservation and exhibition of models of inventions, in preference to a reduction of the fees on patents.

In the discussion which took place at Aberdeen, the inadequacy of the laws for protecting property in inventions, and the temptation and encouragement consequently afforded to piracy and speculation, the necessity of more stringent proceedings for the suppression, checking, and control of such practices, was strongly insisted on by inventors and others conversant with the patent system; and the Section, on the suggestion of the Right Hon. Joseph Napier, unanimously recommended the subject to the Jurisprudence Committee of the National Association of Social Science at its meeting during the ensuing month at Bradford. This resulted in the appointment of a joint committee of the two Associations, which agreed to the following resolutions:—

* The Committee was appointed by the Council on the 22nd November, 1859, in accordance with a resolution passed by the Jurisprudence Department at Bradford. See *Trans.* 1859, p. 272; and *Trans.* 1860, p. 288.

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I.—That all applications for grants of letters patent should be subjected to a preliminary investigation before a special tribunal.

II.—That such tribunal shall have power to decide on the granting of patents, but it shall be open to inventors to renew their applications notwithstanding previous refusal.

III.—That the said tribunal should be formed by a permanent and salaried judge, assisted when necessary by the advice of scientific assessors, and that its sittings should be public.

IV.—That the same tribunal should have exclusive jurisdiction to try patent causes, subject to a right of appeal.

V.—That the jurisdiction of such tribunal should be extended to the trial of all questions of copyright and registration of design.

VI.—That the scientific assessors for the trial of patent causes should be five in number, (to be chosen from a panel of thirty to be nominated by the Commissioners of Patents,) for the adjudication of facts, when deemed necessary by the judge or demanded by either of the parties.

VII.—That the right of appeal should be to the Court of Exchequer Chamber, with a final appeal to the House of Lords.

VIII.—That for the preliminary examination the assessors (if the judge requires their assistance) should be two in number, named by the Commissioners of Patents from the existing panel; the decision to rest with the judge.

IX.—That the Committee approve of the principle of compelling patentees to grant licences on terms to be fixed by arbitration, or in case the parties shall not agree to such arbitration, then by the proposed tribunal, or by an arbitrator or arbitrators appointed by the said tribunal.

X.—That a Report be drawn up in conformity with the resolutions passed by this Committee, and that the Council, if such report be approved by them, be requested to allow it to be read at the meeting of the British Association to be held at Manchester this year.

The Report is as follows:—

The Council of the National Association for the Promotion of Social Science, recognising the general feeling which exists amongst persons interested in manufactures that further reforms are required in the law relating to the grant of letters patent for inventions, and deeming the subject to be within the scope of the objects for which their Association was formed, appointed a Committee for the purpose of investigating the question of patent law amendment, and invited several gentlemen who were conversant with this branch of the law, and had given considerable attention to the question, to take part with and assist them in the discussion.

The Committee thus formed met from time to time, and the result of their deliberations will be found in the several resolutions contained in this report, and the grounds upon which these resolutions were adopted. The object which the Committee had in view was, to devise means by which those evils that have sprung from the

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changes lately introduced into the Patent Laws might be remedied, and better protection secured to property in inventions. Many matters of detail were discussed by the Committee, but their minds were chiefly directed to these two important questions :—

1. As to the best means of preventing grants of letters patent being made in respect of worthless and frivolous inventions.
2. The constitution of a tribunal for the trial of actions of infringement.

They considered that if some means could be devised by which patent grants could be restricted to good and substantial inventions, and the property in such inventions secured to the patentee, that all subordinate questions, including all matters of practice, would be easily and satisfactorily arranged.

This resolution involves two propositions—

1. That all applications for letters patent should be subjected to a preliminary examination.
2. That this examination should be before a special tribunal.

In the opinion of the Committee, a preliminary examination is essential, in order to check the present practice of granting patents indiscriminately. Since the Patent Law Amendment Act of 1852, the cost of obtaining patents has become so small, and the facility so great, that claims of all kinds, however frivolous or absurd, and without even the merit of novelty, are made the subjects of patent privilege.

There is a very general notion that an inventor has a right to a patent grant for his invention whatever may be its merits, that the want of worth or utility is no ground for refusing the grant in the first instance, but that it is sufficient to leave the question of validity for subsequent investigation.

This notion is founded upon very erroneous views of the principle upon which letters patent for the exclusive enjoyment of certain inventions of new manufactures are allowed to be granted.

It should be borne in mind that the object of the Legislature, in excepting from the law against monopolies inventions of new manufactures, was to benefit the public. By granting to an inventor the sole use of his inventions, the public is restrained from the exercise of a right; and it is only in consideration of some advantage to be conferred upon the public that such restraint can be imposed.

This advantage is to be found in the invention in respect of which the privilege of monopoly is granted. Unless, therefore, the invention is new and useful, the considerations upon which the privilege is granted fails, and the grant ought not to be made. If a grant of monopoly be made in respect of a supposed invention which is worthless, not only does the community derive no benefit, but receives an actual injury, for a limitation of their rights must be an injury; whereas, in the case of a worthless invention, no benefit is received which could alone justify and compensate for such limitation.

Such being the case, then, the public has a right to demand that

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where an invention is worthless, either for want of novelty or utility, no grant of patent privilege shall be made in respect of it.

But how is it possible to ascertain whether or not an invention is entitled to protection, except by an investigation? If no grant is to be made except for a meritorious invention, there must be some investigation of the nature of the invention to ascertain if it possesses the necessary merit. Once admit the principle, which can hardly be contested, that no grant should be made but for new and useful inventions, and a preliminary examination by competent persons follows as a matter of course.

In the evidence before the Select Committee of the House of Lords, upon which the Patent Law Amendment Act was based, the evils which have arisen from reducing the cost of patents were in a great measure anticipated; and the question of a check being placed upon the granting of patents through the medium of a preliminary examination was suggested and discussed, and strong opinions were expressed in its favour by nearly all the witnesses who were examined. With these opinions the Committee cordially agree, and do not hesitate to recommend such preliminary examination as necessary.

The second proposition follows almost as a corollary from the first, for if it be admitted that all applications for patent grants ought to be subjected to a preliminary examination, a special tribunal must be appointed before whom this examination may be taken.

It may be said that a preliminary examination does now, in fact, take place before the law officer; but the examination before him is very different from that now proposed; nor could it be possible for the law officer, consistently with his other duties, to enter upon an investigation such as is required.

The investigation which does take place is practically confined to the few cases of rival claimants applying for a patent for inventions supposed to interfere with each other, or to the still fewer cases in which there may be reason to suppose that application is made in respect of an invention surreptitiously obtained and in fraud of another, the real inventor; and the fact is, that the granting of patents is practically unrestricted and without investigation. If, therefore, a preliminary examination is deemed advisable, a special tribunal must be appointed for the purpose.

In reference to the number of scientific assessors to assist the judge in the preliminary examination, it was resolved:—

"That for the preliminary examination, the assessors, if the judge require their assistance, should be two in number, named by the Commissioners of Patents from the existing panel, the decision to rest with the judge."

Having, then, come to the conclusion that a preliminary examination of all applications for letters patent before a special tribunal ought to be had, two further questions naturally arise for consideration:—

1. The power with which this tribunal ought to be invested.
2. Its constitution.

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For by first ascertaining the extent of its proposed jurisdiction, the nature of its constitution can be more satisfactorily determined.

The object of the preliminary examination is to prevent letters patent being granted for inventions which are manifestly without novelty or utility; and the proposed tribunal would have to investigate thoroughly, within certain limits, every supposed invention for which a patent was claimed. Where the result of such examination is favourable to the applicant, no difficulty could arise as to the course to be pursued. The tribunal would report in favour of the application, and so far as the merits of the invention were concerned letters patent would be granted as a matter of course.

But as the investigation might be unfavourable to the supposed invention, and it might be deemed worthless or without novelty, and so undeserving a grant, there arises a question as to the power which the tribunal ought to possess in cases of this kind; whether it ought to be limited to a report adverse to the application, with a recommendation to the applicant to withdraw his request for the grant, but at the same time leaving him at liberty to prosecute it further, if he choose, in the face of such recommendation, to run the risk of obtaining an invalid patent; or whether such report should be deemed final and conclusive, and thus to bind the Crown in the exercise of its prerogative.

It is contended that such limited power would be sufficient to effect the object sought for by a preliminary examination—viz., preventing grants of patents for inventions without novelty or utility—or that it would, at all events, so reduce the number granted as practically to remedy the evil now complained of.

That it would be more satisfactory both to inventors and the public that an applicant should voluntarily withdraw his claim than that his application for what is deemed a right should be arbitrarily refused.

That experience has shown that great injustice may be done to inventors by the refusal of letters patent on the ground that an invention is useless, inasmuch as inventions are often in advance of the age, and seem to be useless, merely because there is a want of capacity to appreciate them.

That it would be impossible in a preliminary investigation such as is proposed to ascertain with any certainty whether an invention is new, or the reproduction only of something previously in existence.

That inventors would regard it as a great hardship if an application for letters patent should be refused for want of utility, and if such an invention should afterwards, in the hands of others, prove, as is very possible, highly meritorious. That a case of this kind, which, as already remarked, experience teaches may occur, would cause great dissatisfaction with the proposed tribunal, and would bring it into disrepute.

In answer to this, it may be urged that it is very doubtful how far the limited power advocated would affect the object in view; that although some few might be induced by an adverse report to withdraw their applications, there is every reason to believe that such

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a prudent course of action would be confined to these few; that generally an inventor has so high an opinion of his own production, and believes himself to be so much better qualified to judge of its merits than others, however capable and disinterested they may be, that he will run many risks and waste both time and money rather than lay aside as worthless the offspring of his inventive faculty.

That the advocates of this limited power argue upon a wrong principle; they treat patent privileges as a matter of right, as if every inventor had a claim as of right for the monopoly of his invention; but this is not so—an inventor only comes within the excepting clause of the statute of monopolies when his invention is new and useful, but where his supposed invention is frivolous or not new, then he has not conferred that benefit upon the public which forms part of the consideration, in respect of which the Crown is permitted to impose limitations upon the rights of the community. If, therefore, there be a claim of patent privilege for a supposed invention which does not possess the requisite qualities, not only has the applicant no right to receive, but the Crown has no right to make the grant. As regards the possible chance of a grant being refused for a meritorious invention upon a supposed want of utility, it is true that such a case *may* happen, but in the present advanced state of science and manufactures, and when people are so much better able and ready to detect and appreciate the merit of an invention, the rejection of an useful invention on the score of worthlessness is an event seldom likely to occur. That even assuming that an isolated case might occur, where an invention had been improperly rejected for want of utility, it is better that now and then the grant of patent privilege should be erroneously refused for a meritorious invention, than that from fear of continuing injustice to an individual the right of the public should be prejudiced, which they must be when numerous grants of monopoly are made for inventions irrespective of utility.

That there is no weight in the objection that it would be impossible in a preliminary examination to investigate thoroughly the question of novelty, because it is not *intended* that such investigation should take place. The object for which the proposed tribunal is to be appointed will, in this respect, be sufficiently carried out by refusing grants to all applications where it is manifest on a comparatively slight examination that there is no novelty. A large number of supposed inventions would be disposed of in this way. It will be sufficient for the applicant to make out a good *primâ facie* case of novelty—if he can do this, his application so far as novelty is concerned would be granted; if subsequent investigation should show his invention to be old, this is a question to be determined before another tribunal. In short, wherever there is manifestly an absence of some quality requisite to constitute a valid patent, there the tribunal would have to pronounce against the grant being made. Again, if the duty of this tribunal should be to report only as to want of utility, novelty, &c., leaving to the applicant the option of proceeding or not with his application, there would be great danger

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lest its duties should be negligently performed. Such a report would be very different from a judicial determination, and there would be an absence of all that feeling of responsibility which is so necessary to insure faithful performance.

The Committee, after due consideration of the arguments urged, came to the conclusion that the object proposed by a preliminary examination would not be effectually accomplished if the tribunal should have power only to report, and accordingly they passed the following (second) resolution:—

"That such tribunal shall have power to decide on the granting of patents, but it shall be open to inventors to renew their applications notwithstanding previous refusal."

They think that this power to renew an application should be given, in order that an inventor might make a second application in the event of his having good ground for believing that the tribunal had come to an erroneous conclusion in respect of his invention.

The third resolution passed is as follows:—"That the said tribunal should be formed by a permanent and salaried judge, assisted, when necessary, by the advice of scientific assessors, and that its sittings should be public."

If the Attorney or Solicitor-General could find time for the discharge of the duties in question, no fitter person could be found to fulfil the office of judge. These law officers have always had much experience in patent matters; they are usually gentlemen of high scientific attainments, or if not fully conversant with the details of science, have such a knowledge of its principles as to find no difficulty in making themselves acquainted with the scientific questions brought before them, and in appreciating the points of difference or resemblance between several inventions. The position at the Bar of these gentlemen would insure a capacity to discharge the duties of a judge, and in the preliminary investigation not only would questions of science have to be considered in their legal bearing, but matters of fact also inquired into, conflicting testimony weighed, and evidence sifted—tasks to be successfully accomplished by those only who have gone through a course of legal training, and acquired in our courts of law not only a theoretical, but practical knowledge of the rules of evidence.

But as we have already intimated, the duties of the law officers are already too onerous to allow them to take upon themselves the office of judge in this preliminary investigation; and we must look elsewhere for some person to fill this important position. From the remarks already made as to the nature of the duties to be performed, it is clear that this judge must be a barrister. The proper reception of evidence, the weight to be given to testimony, the art of eliciting truth from stupid, prejudiced, or unwilling witnesses, are matters only to be learned by a forensic education; and persons of the highest capabilities and scientific attainments without such education would be utterly inefficient to conduct an investigation involving questions of law and fact.

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These remarks apply with far greater force to the tribunal which your Committee propose should be appointed for the trial of patent actions, over which tribunal it is intended that the same judge shall p eside. For here the investigation will be of a more general and searching character—in fact, nothing less than the trial of an action of law; and to appoint as judge for this purpose any other than a regularly educated legal practitioner would be absurd.

Inasmuch as questions of science may arise, which the judge may not deem himself competent to decide without assistance, it is proposed that he shall be at liberty to call in scientific men to aid him with their advice. It is thought that the number of such scientific assessors should not be more than two, for although the arts and sciences branch out in numerous directions, yet for the present purpose it is sufficient to divide them into two principal subjects, viz., mechanical and chemical; and the Committee think that an assessor chosen to represent each of these two great divisions would be sufficient to carry out the scheme they propose.

The sittings of this tribunal should be public—in the first place, to prevent either the fact or suspicion of corruption, and in the second place, that the wholesome fear of being made the subject of public censure may tend to check, on the part of the officials, any disposition to idleness or the careless performance of the duties imposed upon them.

The subject of the fourth resolution is a most important one, being a proposition to substitute for the existing court of common law a new tribunal for the trial of patent causes.

It is agreed on all hands that some change should be made. Various schemes have been proposed, but after careful deliberation the Committee have come to the conclusion that the plan now proposed by them would be best adapted to give satisfaction, both to inventors and the public. Nothing can be more unsatisfactory than the present system, and great injustice is done by the inability of juries to grapple with the intricate questions raised in actions for infringement; nor can it be a matter of surprise that they are unable to understand the nice distinctions made between different processes or machines, an accurate appreciation of which is essential to a just verdict. Taken indiscriminately without the slightest reference to manufacturing knowledge or scientific acquirements, embarrassed by the contradictory evidence given by scientific witnesses, and still more puzzled by the speeches of contending advocates, it is impossible that they can form a right judgment upon the point at issue. Such a tribunal is evidently unequal to the trial of questions of this nature. Nor would a tribunal composed exclusively of scientific men be less objectionable, from the little experience men of this class have in dealing with evidence and their tendency to take strong views in support of their own theories—a fact abundantly proved by the feeling of partizanship exhibited by them when testifying as witnesses on scientific questions in a court of law.

A combination of legal and scientific qualifications would appear

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to present the best and most effective mode of dealing with these questions; and a system somewhat analogous to the practice in the Admiralty Court, where the elder brethren of the Trinity House are called in to assist the judge, might be adopted with advantage. The appointment of a limited number of persons of experience in the subject as a jury, or to assist the judge upon questions arising in actions for infringement of patent rights, would, in the opinion of the Committee, be a vast improvement on the present system. Such assessors being men of science and conversant with inventions and manufactures generally, would at once appreciate the peculiarities of the respective processes or machinery, the similarities and dissimilarities, the successive steps which have led to the invention under consideration. Their experience in subjects of science and manufacture would be a check on the too great zeal and partisanship which is apt to be exhibited on the matter in dispute.

Instead of making a complete change in the tribunal for the trial of patent causes, a modification might be introduced into the existing system, and such assessors as proposed might be substituted for the jury. The Committee think that even this would be an improvement, but they would prefer having a more thorough change.

The judges of the courts of common law are, without doubt, fully competent to try patent causes, but these causes are very different in their nature to those which are ordinarily brought into a court of law, involving points of greater intricacy, and usually extending to greater length. It is certain that the common law judges would gladly be relieved from the duty of trying patent actions; and seeing that, if the recommendations of the Committee as to appointing a judge for holding a preliminary examination be carried into effect, there will be a judiciary fully competent to discharge those duties which now, in the trial of patent causes, devolve upon the judges of the common law courts, it seems a natural result that he should be chosen to act instead of them in causes of this nature.

It is hardly necessary to advert to the great advantage which would arise from having a judge whose mind is constantly and specially devoted to the consideration of the patent law in all its branches.

The assessors would virtually discharge the functions of the jury; they would find all such facts as would be necessary under the direction of the judge; they would be a jury, say of five persons, competent from their previous training to discharge, in respect of scientific matters, that which the jury summoned under the existing system is competent to discharge in respect of the ordinary questions submitted to them arising out of the every-day transactions of life; they would enable parties to arrive in a much more satisfactory manner at that which is the practical end of the trial at law in nine-tenths of the patent causes—a special case for the consideration of the court above, which might be the subject of appeal to the highest tribunal.

The limiting the number of assessors to five may appear to some

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to be an innovation upon trial by jury. It will be sufficient, however, to refer to the fact that now, in the county courts, juries of five are impanelled; and further it may be observed, that the peculiar nature of patent rights and patent actions would, were this limitation proposed for the first time, warrant an innovation which might otherwise be inadmissible. Objections will also doubtless be made to the establishment of a new court; but, as just observed, patent rights and patent litigation are so different in their nature from the matters which come before the ordinary tribunals, that there is good reason why such an objection should not be allowed to prevail. Again, as the chief ground of objection to the establishment of an additional court is to be found in the additional expense cast upon the public, and as there would be sufficient funds derived from patent fees to pay the expenses of such proposed court, it is believed there would be no difficulty on this score.

The Committee accordingly passed the following resolutions:—

"That the same tribunal should have exclusive jurisdiction to try patent causes, subject to a right of appeal."

"That the scientific assessors for the trial of patent causes should be five in number, to be chosen from a panel of thirty, to be nominated by the Commissioners of Patents for the adjudication upon facts, when deemed necessary by the judge or demanded by either of the parties."

"That the right of appeal should be to the Court of Exchequer Chamber, with a final appeal to the House of Lords."

The Committee also passed a resolution to the effect that the jurisdiction of the proposed tribunal should be extended to the trial of all questions of copyright and registration of design.

Such questions differ very materially from those we have been considering, namely, of science as applied to the purposes of manufacture. An author may produce a literary work of merit, an artist an excellent picture or design, a sculptor a fine statue, without knowing anything of chemical or manufacturing science, and without possessing that ingenuity which is necessary to produce that which may be made the subject of letters patent under the statute of monopolies. But still there is a resemblance in this respect, that in each case the right of enjoyment to the individual is founded upon a limitation imposed upon the rights of others. Many particulars might be pointed out in which productions which may be made the subject of copyright differ from those for which letters patent may be granted, but this topic need not be pursued further at this time. Suffice it to say, that there is a sufficient similarity between the subjects of copyright and letters patent regarding them as a species of property, in which character only they can be dealt with in a court of law, as to render it expedient that a tribunal appointed for the consideration and determination of patent rights should have jurisdiction also over questions of copyright and registration of design.

A resolution was also passed upon the subject of licences, declaring that the Committee approve of the principle of compelling patentees

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to grant licences on terms to be fixed by arbitration, or in case the parties shall not agree, then by the proposed tribunal, or by an arbitrator, or arbitrators appointed by the said tribunal.

This subject, however, they do not discuss at length, as they desire to direct attention chiefly to the two important subjects particularly pointed out—viz.,

The preventing the indiscriminate grant of letters patent, and

The constitution of an efficient tribunal for the trial of patent causes.

If these objects can be accomplished, other subordinate matters, and in comparison of small importance, will no doubt be consistently and satisfactorily arranged.

JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

THE RIGHT HON. JOSEPH NAPIER.

Vice-Presidents.

THE HON. JUDGE LYNCH.

GERALD FITZGIBBON, ESQ., Master in Chancery.

Secretaries.

J. N. HIGGINS, ESQ.
ARTHUR RYLAND, ESQ.

Local Secretaries.

W. D. FERGUSON, LL.D.
D. C. HERON, Q.C., LL.D.

In this Department is discussed the science of Civil Jurisprudence; its bearings on the social condition of the people; the advantages derivable from a wide diffusion of its principles; the practical defects in our laws; the evils arising from such defects; and the fitting remedies.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"The Machinery of Legislation." By J. Napier Higgins.

"On the Appropriate and Adequate Constitution of Judicial Tribunals, and the Institution of Judiciary over them." By Arthur Symonds.

"On the Admiralty Court." By B. C. Lloyd, Q.C.

"A short Inquiry into the Principles of the existing Bankrupt Court, and an Exposition of its Principles in Administering the Trust between Debtor and Creditor." By the Hon. Judge Lynch.

"Ought the Management of Bankrupts' Estates to be placed in

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the hands of Official Assignees appointed by the Government, or in the hands of Assignees or Trustees nominated by the Creditors?" By David M'Cubbin.

"On the Necessity for a Law to compel every Trader to make an Annual Balance, under pain of Imprisonment." By David Smith.

"On the Irish Bankrupt and Insolvent Act." By D. C. Heron, Q.C.

"Observations on the Proposal of admitting the Evidence of accused Persons on their Trial." By P. J. M'Kenna.

"Remarks on the Act enabling Married Women to dispose of Reversionary Interests in Personal Property, with Suggestions for its Amendment." By David Ross.

"Suggestions for the Improvement of the Working of the Grand Jury System in Ireland and its Extension to England." By Isaac J. Murphy.

"The Relations of the Bars of England and Ireland." By J. M. Meekins.

"Jurisprudence and Amendment of the Law." By James Whelan.

"On the Appointment of a Public Trustee." By John C. Whyte.

"On the Practice of Conveyancing among the Native Irish before the Introduction of English Law." By J. H. Smith.

MACHINERY OF LEGISLATION.

Mr. J. Napier Higgins, in his paper on "The Machinery of Legislation," pointed out the faulty method at present pursued in draughting Bills and passing Acts of Parliament, which he illustrated by showing the anomalous and conflicting nature of many of the provisions of the recent Bankruptcy Act. Mr. Higgins showed that it was the more necessary to dwell on these deficiencies, as a false notion had arisen in the public mind that some great improvement had taken place in the preparation of Bills, whereas in fact, notwithstanding a vast expenditure of money, little had yet been done in improving the form, arrangement, expression, and general character of Acts, regarded as works of juristical art. The numerous Select Committees, Commissioners, and Boards which have been appointed from time to time to consolidate the Statute Law were alluded to, and their shortcomings, especially those of the late Statute Law Commission, were pointed out; a history was then given of the Criminal Law Consolidation Acts passed during the last Session, and it was shown that their preparation had been characterized by an extraordinary series of mistakes and procrastination, and that their final passage through Parliament showed strikingly the necessity for a minister of justice, or some such official, to revise our current legislation. Mr. Higgins then proceeded to comment on the defective method of conducting business in the Legislature, which had led during the last Session to the failure of the Trades' Marks Bill, Highways' Bill, and Palace of Justice Bill, all three measures having been prepared

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by Government, and pressed by them upon the House; and he concluded by forcibly pointing out the uncertainty, litigation, and mischiefs that had arisen from the loose and inaccurate style of language adopted in Acts of Parliament.

THE CONSTITUTION OF TRIBUNALS.

Mr. ARTHUR SYMONDS contributed a paper on "The Appropriate and Adequate Constitution of Tribunals, and the Distribution of the Judiciary over them," in which he showed that the necessary elements of their constitution were,—a headship, to preside over the whole law, and over particular courts; other judicial members, representing the special qualifications that cannot be found in a single judge; suitable executive officers; an agency for the suitors, as by barristers or solicitors; clerks and registrars; and inferior agents, as summoning officers, &c. A simple return of the constituents of each court as it exists, of the jurisdictions with which it is charged, of the number of transactions under each jurisdiction, of the calendar of its operations, of the regulations by which it is governed, of the roll of suitors before it, (in their respective characters as such,) of the terriers of localities over which its jurisdiction extends, would afford an abundant collection of practical information which, being assimilated in some common form, would give us completely the object of our investigation—*i. e.*, all the conditions found to be necessary for constituting systems of tribunal. The deficiency of any tribunal in any particular would be found to be supplied by some other.

A court of justice should sit constantly, openly and *in camerâ;* for which end there should be three judges, one sitting in public, one in chambers, and one in vacation. Such a court should be omnicompetent in its district and jurisdiction.

Special jurisdictions should be presided over by general courts; local tribunals by imperial courts; while, for the whole empire, there should be a court presiding over all others, national and provincial, special and general.

If the courts throughout the realm were similarly constituted, the procedure, pleading, and rules of evidence being mainly the same, if not identical, and the formulas in use being alike, it would follow that any person trained in one court would be fit for practice in any other. It might then be proposed that the legal profession in the three countries should constitute a single advocacy and agency, and that the judiciary throughout the kingdom might also be consolidated. Colonial judges might also be thus made available for home employment.

We have now 500 judges employed, at the cost of half a million, in making the law diverse and complicated; they should be employed, Mr. Symonds suggested, not merely in determining suits, but in collecting, ascertaining, and defining the law. Their report should be yearly presented to Parliament, thus constituting a regular annual accretion to our law which would be incorporated by the clerk of the Parliament and his staff with existing legislation. There

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should also be attached to each House judicial officers to advise on the legal portions of their business.

Mr. Symonds concluded by some observations on the existing defects in the constitution of our tribunals, and in their mode of working.

DISCUSSION ON PUBLIC PROSECUTORS IN PRUSSIA.

In the discussion which ensued on the reading of Baron Holtzendorff's paper, printed at page 143,

Lord BROUGHAM said though there might be defects in the Prussian system, the institution of public prosecutors was of very great benefit, and Mr. Napier would, he was sure, agree with him in thinking it very desirable to have a responsible Minister of Justice for this country. The want of such a system was a very great defect in England. He could take no blame to himself in this matter, for one of the last efforts he made before quitting office was to introduce a system of public prosecutors, but it was thought too large a step to make at once to involve the whole country in such a system. He might refer to the case of Scotland as well as of Ireland, and in neither country did the defect alluded to as operating in Prussia exist. In Scotland the private prosecutor was technically required to obtain the "concurrence" of the Lord Advocate, but that concurrence was never withheld unless in extraordinary cases in which there was obvious cause for so doing.

Mr. NAPIER agreed that the system of public responsible prosecutors was a valuable one. He referred to some defects in the Irish system especially in the coroners proceeding by inquest. He believed that in many cases the institution of coroners was worse than useless, arising from the class of jurors and coroners in many parts of the country. As an instance, a coroner's jury in a certain part of Ireland, in a case where a person died from famine, found a verdict of wilful murder against Lord J. Russell. He thought all cases of prosecution ought first to be submitted to a public prosecutor, and if he thought the case unfit for him to take up, then leave it to the private prosecutor to proceed, should he think fit to do so.

The SOLICITOR-GENERAL also remarked on the inefficiency of coroners' inquests, which were often calculated to lead to a failure and miscarriage of justice, so much so that the law officers of the Crown had in a great measure been obliged to disregard the verdicts at inquests altogether. This arose not only from the class of persons usually serving on coroners' juries, but also in consequence of the defective education of many of the coroners.

Lord BROUGHAM said that in England he was present on one occasion when a bill was sent to a grand jury in Lancaster against a gentleman for murder, because a light was not put up on a road through his property by his bailiff, in consequence of which an old woman broke her neck. The gentleman was Mr. Blundell, of Lancaster, a gentleman of great respectability and large property. The bill was found, and although he was acquitted by a petty jury, he went down to his grave liable to the allegation that he had been once charged with murder. This case, which was one of many, showed the absolute necessity for a public prosecutor in England.

Mr. WHITESIDE, M.P., said he was much surprised that when this subject of public prosecutors was discussed in England they did not look more to the institutions under which the system was carried out in Ireland. The prosecutions in this country, as conducted by the deputies of the law officers of the Crown, showed that the system worked well, though there were some evils incident to it. Sometimes the deputies of the Attorney-General were quiet elderly gentlemen, who conducted prosecutions too quietly, and it was not etiquette for an Attorney-General to remove a gentleman appointed by his predecessor, so if he found a gentleman as old as Methusaleh he must keep him. In conclusion, Mr. Whiteside observed that in the main the Crown prosecutions were conducted now in a most orderly and satisfactory manner. The Attorney-General could prosecute in any case he thought fit, but was not obliged to take up every case. He

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was happy to say that criminals were getting scarce, and the Attorney-General had not much to do.

Mr. Ryland stated that there was a local prosecutor in Birmingham, and the appointment was found of great public benefit.

DISCUSSION ON THE LANDED ESTATES COURT.

After the reading of the paper on "The Landed Estates Court," by the Solicitor-General for Ireland, printed at page 161,—

Mr. Whiteside observed, in reference to the paper read by his learned friend, the Solicitor-General, that one of the advantages of the Landed Estates Court was the shortness of the conveyance under it—he believed it was about the length of a lady's finger—showing that a great deal might be conveyed in a very short space. He was once asked to be trustee of a marriage settlement in England, and in a moment of inadvertence he yielded. He was called on to be present at the execution of the settlements, the solicitor attended with a mass of parchment under his arm, the bridegroom himself attended, and as to the other trustee, he forgot whether the gentleman was present or not. The man of law began reading away, and he (Mr. Whiteside) fell fast asleep. Just as he awoke he heard him reading the words, "anything herein contained to the contrary notwithstanding." The bridegroom, who was wringing his hands in the corner, asked him whether he thought the solicitor would ever be done. He (Mr. Whiteside) replied that he hoped he would have finished before it was time to go to church. A conveyancer from Lincoln's Inn was asked what is the reason deeds are so long when they might be so short? Because it is not convenient for those who might draw up a long deed to make a short one, for the greater the length the greater the profit. If you could pay them in proportion to the brevity of the deed reform would be immediate. The Solicitor-General had stated very correctly that when a commission of inquiry on this subject was instituted, of which he was secretary, they made a recommendation that whatever new jurisdiction was created should be placed with the Court of Chancery. He admitted that the names to that report were all men entitled to the highest respect, but much as he respected those who signed that report, he did not hesitate to reject it. The very fact stated by the Solicitor-General, that 1,298 Chancery suits were put an end to by the Incumbered Estates Court, was enough to induce him to hesitate before placing the new jurisdiction in the Court of Chancery. When the House of Commons Committee sat on this subject, and when the question was put whether the report should be adopted in that respect or rejected, it was a curious circumstance that it was by the casting vote of the chairman it was rejected. The result of this Landed Estates measure had been well stated in the paper of his hon. friend, the Solicitor-General. They had heard of revolutions, but his two right hon. friends near him (Judges Longfield and Hargreave) were the most revolutionary characters in the country. They had been the means of changing the ownership of a sixth part of the acreage of all Ireland, and he undertook to say they had been more extensive and successful in the conveyancing department than the most expert practitioner that Lincoln's Inn could produce. To show the results of the heavy legal expenses attending the transfer of land, he might mention that a friend of his, on being asked to sell an acre of land for the purposes of a charitable institution, said he would rather give it for nothing than be asked to employ solicitors in the matter. In conclusion, when they found in England 5000 or 6000 Chancery suits "locked up" common sense would suggest that the same remedy which had been so effectual here might also be applied there. The Landed Estates Act had been productive of immense benefit to this country, and perhaps they might yet see the day when the litigation of the Court of Chancery would cease, and the Court itself be employed for the useful and agreeable object of holding meetings for the Promotion of Social Science.

Judge Longfield said, with regard to the expense of sales of property in the Landed Estates Court, there was certainly no tendency in the papers read to exaggerate it, for he could have given an instance of a case which came before

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himself, in which the produce of the estate was not sufficient to pay the expense of selling it, though all the proceedings were conducted with the strictest economy. The judges of the Landed Estates Court would at all times be happy to receive and consider with care and favour any suggestion to cheapen the expenses of the Court with safety to the public. All other courts of justice decided between contending parties, and if any statement made by one party was not disproved by the other, the judge might safely acquiesce in it; but the Landed Estates Court could not act in that manner. The public at large—individuals unrepresented in the Court—might have an interest in the lands with which the Court was dealing, and their rights must be considered. It was not merely that no party present had an interest in maintaining their rights, every party in Court was interested in suppressing them. Land would not sell for a better price, nor were incumbrances more likely to be paid if the judges found some defect in the title—some title in a third party—some interest—some easements existing which were not supposed to exist before, or that the boundaries given to the Court included a few perches of some neighbouring proprietors' land. These matters must frequently be decided *ex parte*, and in order to avoid the great danger which existed of dealing with *ex parte* rights and interests, the Court had to summon very frequently, at great expense, persons whom the parties before the Court wished to be absent. Again, the Court had often to order surveys to be made, and this, of course, involved expense. All these circumstances exercised influence on the expense of sales in the Court. He had been asked to make an observation on the system of land debentures. He wished to say that he had framed in detail a Bill on the subject, the responsibility of which he was ready to accept. He believed the plan to be feasible, and that if adopted it would prove of great benefit, and he was perfectly prepared, if the Legislature thought fit, to undertake the carrying out of such a measure. The advantages offered were the enabling parties holding land to obtain money without the expense and delay at present attending a mortgage, perfect security, impossibility of forgery, facility of transfer, ready means of getting a debt or selling it. He believed that to the fair sex this was a matter of greater interest than they supposed it to be. He often had felt great pain in the course of many of the hard cases which came before him, observing that in cases of bad title a lady was very often the sufferer. Whether it was from their good nature, or the want of that unamiable suspicion, which was so necessary in such legal matters, the gentle and unsuspecting sex were much more apt than the sterner portion of mankind to lend money on bad security.

Mr. Pollard-Urquhart addressed some remarks to the Department on the benefit of the Landed Estates Court to the great body of the landed proprietors of the country.

Mr. W. O'Connor Morris, barrister, feared that injurious consequences would ensue if the Court of Equity and good conscience was to be permanently divided from the Court having the power of transferring land. He regarded the Landed Estates Court as a great legal discovery which had conferred incalculable advantage on the country, but he saw no reason why the great principle of acting *in rem* upon land should not be transferred to the Court of Chancery, the most ancient tribunal in the country.

The President expressed his cordial thanks to the Solicitor-General, Mr. Whiteside, and Judge Longfield, for the valuable information they had afforded the Department on this important question. At the time the Incumbered Estates Act was first proposed in Parliament, he (Mr. Napier) was opposed to it, and on this ground; he thought that a great public calamity having befallen the country, and the proprietors of land especially being in difficult circumstances, the effects of forcing their properties into the market at such a time would be that in many cases they would be sacrificed. This apprehension, he believed, had proved correct in many instances where properties were sold at seven, eight, and nine years' purchase. However, as the Court proceeded in its operations, and as the clouds which at first obscured the social circumstances of the country cleared away, the working of the Court became more satisfactory, and when the question came to be considered of making the Landed Estates Court a permanent institution, he gave it his cordial support.

Mr. O'Shaughnessy said this question of debentures for raising money on land

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was a very serious one, and one in regard of which the Association ought to be slow in pledging itself. His opinion was that such a scheme as that of legalising a system of raising money on land debentures would be most injurious, creating endless litigation, enabling improvident proprietors to raise money so easily that they would involve their estates in incumbrances, and thus re-create the state of things which it was one of the objects of the Landed Estates Court to relieve the country from, and the results would be that the debentures would be a blister upon the land, the landowner, having a diminished interest therein, would not cultivate nor improve his estate, the property in the land would be transferred to money lenders, and the best interests of the country would be materially injured.

Mr. M'Donnell argued on the other side of the question, and observed that the objection raised, that improvident landed proprietors would be tempted to extravagance by the facility for raising money offered, was met by the fact that the power of issuing debentures was limited to one-half the value of the estate.

THE ADMIRALTY COURT IN IRELAND.

The following is an abstract of the paper on this subject read by Mr. B. C. Lloyd, Q.C.:—

There is one branch of our judicial system to which the remarks in our President's address, (Mr. Napier's,) on the assimilation of the laws of England and Ireland, are peculiarly applicable,—that, namely, administered by the Court of Admiralty. This is, in fact, the Court of Commerce of the country. Great improvements of late years, and particularly in the last Session, (24 & 25 Vict. c. 10,) have been made in the jurisdiction and procedure of the Court of Admiralty in England; and except a similar constitution be given to the Court here, the result must be injurious to the interests of commerce in Ireland, and also to English and foreign merchants. In 1854 the number of English ships that entered the ports of Ireland was 881; and of foreign ships 621; while in 1859 the number of English ships was 1,168, and of foreign ships 1,066: and the intermediate years show the increase to have been gradual. The trade with France, which at present is considerable, will be greatly increased by the new tariff. If the owner, or master, of an English or foreign ship coming into an English port finds that for any particular grievance he can obtain redress in a summary and inexpensive form, while in an Irish port he finds that for a similar matter, either the Court here has no jurisdiction at all to entertain the complaint, or else that the exercise of its jurisdiction is so clogged with an expensive machinery as to amount to a denial of justice, the result must be injurious to the interests of commerce in Ireland. A memorial has been sent to the Government by the merchants of Cork, complaining that they have not the same advantages as England for breach of duty or contract on the part of the masters or owners of foreign ships. A foreign ship lately arrived in Queenstown with a cargo of wheat, and by the charter party the master was directed to take the cargo into whatever port he should be ordered. He was ordered to go to Yarmouth. He refused to go, and sold part of the cargo, paid his freight, put another captain on board, and made his escape. The Court of Admiralty in this country could give no relief; and as to an

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action in a court of common law, the vessel might be in the most distant part of the globe before its process could avail. Whereas in England, by the 6th section of the new Act, a fiat could be at once obtained for the arrest of the vessel, and thus the captain would be made to perform his contract. For a long time the jurisdiction of the Courts of Admiralty in both countries was the same. But in England a gradual enlargement of the powers of the Court took place, (which was historically sketched by the author,) and the recent Act has placed the jurisdiction on a satisfactory footing. But in Ireland nothing has been done by the Legislature, except that the 8th Article of the Act of Union stipulated for the continuance in Ireland of an "Instance Court of Admiralty;" *i. e.*, a court as distinguished from a prize court. A clause, indeed, had been inserted in the recent Probate Act, (20 & 21 Vict. c. 79, s. 14,) enabling the Crown, whenever a vacancy may occur in the judgeship of the Admiralty Court, to annex that office to the judgeship of the Probate Court. This was regarded by the author as a step in the wrong direction, as the value of the Court of Admiralty consists in its being open all the year round, and exclusively devoted to marine matters.

In Ireland the jurisdiction of the Court remains as in former times, and is confined to cases of salvage, collision of vessels at sea, bottomry bonds, suits for seamen's wages, suits for materials supplied to the vessels, and suits of possession—that is, where there are part-owners in a vessel and they quarrel amongst themselves, or differ as to the employment of the ship. All that the Court in Ireland can do in this last case is to arrest the vessel until security is given to the dissentient party for the return of the ship. But such quarrels are very injurious to commerce, and prevent the healthy working of the ship. For a remedy, by the 8th section of 24 & 25 Vict. c. 10, the Court in England, if it should fail by other means to settle the disputes between the co-owners, has the power to direct the ship, or any share of it, to be sold, so that it may pass into new hands, and the healthy working of the ship be restored. This enactment is defective in not giving to masters and owners a reciprocal right against the merchant to recover their freight and demurrage. In such cases the Court of Admiralty should have power to issue a monition against the merchant, and compel him to show cause why the freight or demurrage should not be paid.

The evidence in the Court of Admiralty is taken *in scriptis* by written interrogatories exhibited to the witness, which is in all cases a very defective mode of arriving at the truth, and even where the impugnant does not appear, the promovent must still prove his case *in scriptis*, and establish each material fact by the evidence of two witnesses. Whereas the judge should have the power, where the impugnant will not appear, or answer the case made against him, to allow judgment to be entered against him by default according to the practice of other courts. Witnesses should be always examined *vivâ voce*, and in open court, as they are now occasionally by consent of the parties. If all this cannot be accomplished, at all events the Court here should not be left in its present condition; but the bene-

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fits of the Act passed for the improvement of the Court in England should be extended to Ireland.

DISCUSSION.

Mr. T. K. Lowry, Q.C., expressed his entire approval of the suggestions contained in the paper, and would also recommend that the Court should be opened to both branches of the legal profession. It was most desirable that steps should be taken to reduce the costs of proceedings, which in every case were considerable, not only in the Court itself, but particularly in cases of appeals. At present an appeal from the Court of Admiralty was to the Court of Delegates, which was an ill-constituted court in itself, and most expensive. He considered that the appeal should be to the Chancery Appeal Court. The learned gentleman also observed that the Judge of the Court of Admiralty was most inadequately paid for his services.

The President said that the paper was a most important one. It was perfectly clear that appeals from the Admiralty Court should go to the Chancery Appeal Court; and that the judge, who had high and important duties to discharge, should be adequately remunerated for his services. The salary of that gentleman, who discharged the duties of his office with great ability, was nothing less than disreputable.

Mr. Whiteside, M.P., stated that he had been under the impression that the Admiralty Court was open to the entire Bar. There could be no doubt as to the expediency of opening it, and also of giving a proper appeal, and a sufficient salary to the learned judge.

Judge Kelly observed that he had endeavoured for the last three years, but without success, to induce the Government to pass a Bill embracing all the reforms suggested by his friend Mr. Lloyd; and he trusted that the publicity the matter had now obtained would lead to their early adoption.

THE LAW OF BANKRUPTCY.*

In addition to the Report of the Mercantile Legislation Committee, which will be found at page 227, papers on this subject were read by Judge Lynch, Mr. Heron, Q.C., Mr. M'Cubbin, and Mr. David Smith. These papers are abstracted below.

Judge Lynch pointed out that the principle of the Bankrupt Code was one protective to society, enabling it to take back to itself the property of an individual when he has violated the trust on which he held it, (that of meeting the liabilities incurred on the credit of the property,) the law itself then exercising the trust for the benefit of the creditors. It was also shown that a man may be really solvent, that is able to pay all his debts, and yet become insolvent during the ordinary process for meeting at once the demands of his creditors, owing to the law expenses incurred by creating specific charges on his property. To meet such cases the "arrangement clauses" of the Bankrupt Code had been framed, and permitted the liquidation of debts at a moderate cost. These provisions had been restricted to traders, because it was the growth of trade which first compelled the enactment of a bankrupt law, and the feudal ideas respecting land were at that time in full force. But the principle enunciated is equally applicable to non-traders. The tribunal in bankruptcy being made the court for the distribution of the property held by persons unable to discharge their debts, it becomes necessarily a court for sale and disposal of the property. As regards personal property this

* See *Trans.* 1860, pp. 167 and 271.

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matter is easy enough; but with regard to landed estates in Ireland, where a court of special jurisdiction exists, this anomalous state of things arises in directing the sales of landed property, viz.—The Court of Bankruptcy, when it directs the sale, thereby imposes the necessity of a new proceeding in the Landed Estates Court, unless the Court of Bankruptcy specially directs the sale to be in the Bankrupt Court, and thus two proceedings in two different courts, for one and the same end, are rendered necessary by the law. The Landed Estates Court had done great good, but it arose out of exceptional circumstances, and some of its present powers are questionable; and in the opinion of the learned judge, the principle of the Bankrupt Code more generally applied and made more beneficial, would lead to the establishment of a larger court for the general distribution and application of the property of persons indebted, so as to embrace nearly all the cases disposed of at present in the Landed Estates Court; and the courts of common law and Court of Chancery would exist, as far as regards property incumbered with debts and its rights, for the enforcement of individual rights attaching on such property; while the court of distribution and enforcement of general rights would be the means of rectifying the social evils resulting from the undue extension of credit and the abuse of the trust towards society on which property is held. Several illustrations were given by the author to show that an extension of the application of the "arrangement clauses" to land-owners would be of great benefit to them, as enabling them to discharge their liabilities to all their creditors at a much less cost than at present. The rapid increase within the last two years in the business of the Court of Bankruptcy in Ireland, even with its present limited code, and the corresponding decrease of the business of the courts of common law and of the Court of Chancery, show the public appreciation of the principle of general justice for all the creditors. The high place of the Court of Bankruptcy among the civil institutions of the State is becoming recognised, and it must, in time, become the court for administering on broad principles of justice and equality the trust attached to property by reason of credit taken by its owner.

Mr. Heron's paper contained a statistical statement of the working of the different insolvent Acts that have been in force in Ireland till the 1st of November, 1857, when the Irish Bankrupt and Insolvent Act came into operation. By it the Insolvent Debtors Court was abolished, and its jurisdiction transferred to the Court of Bankruptcy and Insolvency, then established. As regards insolvent debtors two great changes were effected: first, the property of the debtor is vested in official assignees of the court, who are active, realize all that it is possible to realize, account accurately, and faithfully distribute the amount amongst the creditors. Even when a creditors' assignee is afterwards chosen by the creditors, the property vests in him only jointly with the official assignee, who is alone entitled to possess himself of or give valid discharges for it; secondly, no insolvent debtor can have liberty of his person until he

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has delivered up to the official assignee all his moveable property, books, and papers. It has been the result of these two changes, for the law in other respects remains much the same, that with a diminished number of cases, the number in which active measures are taken to realize property has increased, and the number of dividends accordingly. The whole of the jurisdiction as to property in insolvency is exercised by this Court. But the judges of counties exercise the jurisdiction as to discharging or remanding the several prisoners confined for debt in their respective counties. Whenever any trader is arrested for debt, and is obliged to pass through the insolvent side of the Court, the Court has the power to give him an absolute discharge, similar to the certificate in bankruptcy. One important change was made as to executors. Previously to 1857 in Ireland, whenever a sheriff seized the goods of the debtor under a writ of *fieri facias* issued by a *bonâ fide* creditor acting adversely, the creditor had a right to receive the fruits of the execution, even though after seizure, and before the sale, the debtor became bankrupt. The consequence was, that in small cases, whenever a creditor succeeded in getting a heavy execution in, there never was a bankruptcy—one creditor swept away all the property. It is very different now. Whenever an execution is put in upon a trader, as he naturally is hostile to the execution creditor, he is enabled to defeat the execution by signing a declaration of insolvency and filing a petition of bankruptcy. By this means whatever property there is, is divided amongst all the creditors, and one person is not permitted to appropriate to himself the principal share. This is one of the reasons for the great increase of bankruptcy business in the Court, another being the considerable reduction that has been made in the fees. As a whole, the results of the working (in bankruptcy) of the Court since 1857 may be thus stated :—By the reduction of the law expenses and the simplifying of the procedure, the business of the Court was instantaneously quadrupled. About a million and a half of debts come before the Court every year. Out of the assets collected the law taxes and charges are about £5000 per annum. The solicitors receive in costs about £30,000 per annum; the office of the official assignees, £3000 per annum; £70,000 are paid in mortgages, salaries, rent, and other preferential payments; £150,000 per annum are actually paid in dividends; £120,000 under the arrangement clauses, principally through composition bills. The whole of this business is done by two judges, assisted by thirteen officers, and the expense of the entire Court in every department is under £10,000 per annum.

Mr. David M'Cubbin's paper "On the Relative Merits of Official Assignees and Trustees elected by Creditors in the Management of Bankrupts' Estates," showed that the Scotch system, where the trustee is elected by the creditors, was quite as efficient, and much more economical, than the system of official assignees, which prevails in Ireland. He alluded to the important fact that the Bankruptcy Act for England, which lately passed the Legislature, acknowledged

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this important truth; that the Scotch mode of giving creditors the election of their own trustee was superior to the former system in England, in so far as it provides for the election of the trustee by a majority in amount of the creditors; and he concluded by suggesting that this improvement might be imitated with advantage in Ireland.

Mr. DAVID SMITH's paper "On the Necessity for a Law to compel every Trader to make an Annual Balance on pain of imprisonment," pointed out the commercial dishonesty that characterized the proceedings of many of the traders who came before the Bankruptcy Court; so much so, that he thought the wholesale trade of the country was becoming disorganized. The present law seemed powerless to check fraudulent bankruptcy, and as a remedy he proposed that the following clauses should be embodied in a Bankrupt Law Act:—

"1. That, from and after the passing of this Act, it shall be imperative on every person or firm carrying on a trade or profession to balance annually, and to keep a copy of said annual balance, under pain of imprisonment.

"2. That it shall be obligatory on any such person or firm, carrying on a trade or profession, in the event of finding, at an annual balance, that they have fallen below par, to call a meeting of his or their creditors, and ask their advice as to further procedure, under the penalty of imprisonment.

"3. That at such meeting of creditors it shall be lawful to a majority of them in number and value to accept of such composition as they may see fit, or to require a trust deed, or to take out sequestration, and that the minority shall be bound by the majority.

"4. That in every town where a Chamber of Commerce exists, it shall be lawful for such body to elect annually seven gentlemen, and a chairman, and a deputy chairman, to whom all differences may be referred; three to be a quorum. That these nine gentlemen may appoint a clerk to keep a record of their proceedings, and who shall be paid by a fee of £1 for each case brought before this tribunal for consideration. That a majority of creditors, when dissatisfied with the procedure of a bankrupt, shall have power to appeal to this tribunal of merchants, in the event of there having been a neglect of balancing, or his having exhibited a fraudulent balance, or having carried on business, without leave of his or their creditors, when the estate was below par; or having kept no books or having mutilated or destroyed the same, or as to any other circumstances connected with the bankruptcy. And this tribunal shall report their opinion on all or any of these circumstances to the Procurator Fiscal if they shall consider such party or parties blameworthy; and it shall be imperative on the Procurator Fiscal to prosecute such party or parties before the sheriff and a jury, at an ordinary assize, or one held specially; and if the charges are proved to the satisfaction of the jury, that it shall be competent for the sheriff to sentence said party or parties to imprisonment for not less than three months, nor more than two years.

"5. That, in the event of there being no Chamber of Commerce in the town or district, it shall be competent for the sheriff to nomi-

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nate and appoint nine gentlemen and a clerk to perform all the duties described in clause 4, as competent to a tribunal elected by any Chamber of Commerce, and that their deliverances shall be equally valid.

"6. That it shall not be competent for any body of creditors to demand production of the balance-sheet, except in case of declared insolvency."

DISCUSSION.

Mr. Hastings observed, that the Act which had lately passed to amend the English bankrupt law was chiefly due to the exertions of the Association. It was the Committee which had met at Birmingham, in November, 1857, which first gave shape to the principles of bankrupt law reform since adopted by the Legislature. The Bill of Lord John Russell, prepared under the direction of this Committee and approved by the Association, embodied those principles in a more comprehensive and better form than the Act recently passed. Several important portions of the measure had absolutely originated with the Committee; such as the compromise made in retaining the official assignee for official services, but enabling the creditors to invest an assignee of their own with full powers for winding up the estate; and such also as the arrangement respecting the local jurisdiction, by which the power of adjudication was retained for the district court of bankruptcy alone, but the creditors were allowed to transfer the bankruptcy, after adjudication, to the county court. These and other original suggestions had proceeded from the Committee, and it must be a matter for regret that the obligation due to them had not been acknowledged as it should have been. He (Mr. Hastings) must particularly allude to the valuable services given to this Committee by Mr. Arthur Ryland, who had acted as secretary throughout its proceedings, and who had devoted great time and attention (though burdened with many other public duties) to the Bill proposed by the Committee, and subsequently to the measure introduced by Government.

Mr. Levy said, in his opinion there was wisdom in the legislation of former times, when a distinction was made between the man in trade, who, without any fault of his own, but merely through the losses incident to trade, became unable to pay his debts, and the man of fixed income, who, through misconduct and extravagance, also became unable. The law said to the debtor in the first case, "Your inability to pay has not arisen from any fault of your own, and you must get a certificate that will wipe out your debts for ever and leave you a free man." To the second class of debtor it said, "Although your person is free, still, as a penalty for your past misconduct, for wantonly wasting your own and your creditors' property, you must, if ever you become of ability to pay, satisfy the debts you have incurred." He (Mr. Levy) thought there was much to be said in favour of the distinction; but he would bow to the change which would inevitably be made next Session. The primary object of legislation with regard to debtors and creditors was simply this, to enable the creditor without delay to realize the assets of his defaulting debtor, and to enable the honest debtor without delay to become a free man and begin the world again with an unblemished name. In his opinion, there was a simple way of aiding that most desirable object. There ought to be a clause in any new Act, declaring that no debtor should be freed from his debts who did not keep proper accounts, at least a cash account showing clearly all sums received by him and all sums paid and for what purposes.

Mr. P. J. M'Kenna objected to that part of Judge Lynch's paper which recommended the extension of the jurisdiction of the Bankruptcy Court. The suggestion as to non-traders' clauses would have partly the effect of transferring the business of the Landed Estates Court to the Bankruptcy Court.

Judge Lynch—Of course it is perfectly competent for any one to argue that the extension of the non-traders' clauses to the Bankrupt Court would lead to a conflict of jurisdiction with the Landed Estates Court; but I do not wish to be understood as wishing in any way to supersede the Landed Estates Court, nor do I think the suggestions I have made would have any such effect.

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Mr. Jordan thought that some of the features of the Bankruptcy Court were highly objectionable. In particular, he objected to some of the results of the arrangement clauses. Judge Berwick had said that the fact of so many cases coming into court under these clauses showed that the public had confidence in it, and that the operation of those clauses was satisfactory. The fact was, that the public had no option in the matter. Any debtor, however fraudulent, might file a petition in the Court, and the creditors were thereby forced into it, whether they wished it or not. A fictitious creditor might be got up, and bring a debtor into court, for the purpose of defrauding other creditors, and in such case creditors were forced into the Court; and therefore the fact that a great many cases came before the Court was no proof at all that its operation was satisfactory, or that the public had confidence in it. The investigation of those cases was carried on with closed doors, from which the Press was excluded, and it was well known what a check publicity gave to fraud and false testimony.

Mr. Fraser objected entirely to that part of Judge Lynch's paper which recommended giving authority to the Bankrupt Court to sell land and confer a Parliamentary title. He made some observations as to Judge Lynch's remarks on the fees of the Bar, and observed that it was of the highest importance to have a high class of men in the legal profession.

Mr. Littledale said the practitioners in the Bankrupt Court would be among the first to introduce salutary reforms in the law. If any system could be devised by which a legal gentleman would be paid, not according to the length of documents, but according to the amount of work done, such a change would be not only beneficial to the public, but would be gladly agreed to by the profession.

The President begged to add his testimony as to the great value of the services of this Association in effecting a reform of the English bankruptcy law; and no one had taken a more active part in these reforms than Mr. Ryland. It was not likely that for some time the law would be subjected to any further change; but he was desirous of keeping before the attention of the Department the importance of having a uniform bankrupt law for the entire kingdom. He made the suggestion with the view of having some committee appointed, of persons from England, Ireland, and Scotland, to put their heads together and see whether, out of the three systems, they might not get a fourth which would be better than any of the three, and make that system the law over the entire kingdom. Of all departments of the law, that which was connected with trade was the most important to have assimilated. It was for the advantage of trade that the three countries should have a uniform law. It would of course take some time to have a system matured, and when prepared it ought to be submitted to the various commercial bodies, Chambers of Commerce, &c., over the kingdom, as it was mainly a commercial matter, and their wishes and interests ought to be consulted.

ADMISSIBILITY OF THE EVIDENCE OF PRISONERS ON TRIAL.*

Mr. P. J. M'Kenna, in his "Observations on the Propriety of admitting the Evidence of Accused Persons on their Trial," after some preliminary statements concerning the Bill lately introduced by Lord Brougham on the subject; and the mode in which the paper would deal with the question, said :—

"The inconvenience or the evil which ensues from our present rule as to evidence in criminal cases, which forbids the accused person to give evidence in his own case, is at most but problematical. I will go further, and say that the probabilities are in favour of the present rule, as being the most convenient and most just. As well as I can classify them, there seem to be four topics urged by those who are in favour of this bill—1st, The Legislature having admitted interested parties and plaintiff and defendant to be exa-

* See *Trans.* 1860, pp. 251 and 266.

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mined in civil cases, that, by analogy, the interest which a prisoner has in his own case should not exclude his evidence. 2nd, That the new Bill would assist innocent men, and save them from the prosecution of a vindictive and false charge. 3rd, That it would lead the guilty man to his own conviction, and thus further the ends of justice. 4th, That it is a rule of cruelty which closes the mouth of an accused man. With regard to the first of these, I altogether deny the analogy. When necessary to the elucidation of truth and the ends of justice, I do not think that the probabilities of parties interested committing perjury should exclude their evidence. In a criminal court, however, the admissibility of the prisoner's evidence would lead to direct harm to an innocent man, who might be advised by his counsel to be silent; and in the case of a guilty man, to needless perjury. When a man is charged with a criminal offence, the law presumes him to be innocent until his guilt is established by satisfactory evidence; and goes still further, for it says, if a reasonable doubt appears upon the evidence, it is the bounden duty of the jury to acquit. There is no such presumption in a civil court in favour of either plaintiff or defendant. It was felt to be a crying evil, that in many cases where there was an unwritten contract between two parties, known only to themselves, if either proved dishonest there was no redress, as the law excluded interested parties from giving evidence. That rule was most properly abrogated, because the injustice was clear and admitted, and the only difficulty was that an abrogation of the rule as to interest would lead to perjury. But the Legislature said, and said properly, the evil of the present rule is beyond question; the evil suggested in the change is at most problematical, and, even if certain, would less affect the ends of justice. I deny that there is the same necessity for a change in the criminal as there was in the civil rule of law; and I think when we bear in mind those rules by which our laws throw a shield over an accused person, that all attempts at drawing an analogous view in cases of private prosecution must fail. As to assisting an innocent man, it appears to me that this proposed rule would have (if anything) the contrary effect. If he remained silent, what a powerful topic for observation from prosecutor or judge! What a suggestive consideration for the jury! If he gives evidence, he leaves himself open to a cross-examination, which, in a case of doubt, would, in all likelihood, turn the scale against him on grounds which jurors would act on, as to his character, his morals, his manner of giving evidence, circumstances totally irrespective of his guilt or innocence. It seems to me that the new rule would be more likely to injure than to assist an innocent man on his trial; and with regard to its assisting the conviction of the guilty I do not think its promoters would be disposed to urge this view very strongly. It is a maxim of our law, 'that no man shall be bound to betray himself,' and I do not fear that a new species of moral torture to wring confessions of guilt from accused persons will be received with favour. With regard to the alleged cruelty and injustice of closing the lips of an

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accused person, I venture to submit that giving him this option would be a real cruelty and injustice. If having that option he should be silent, the most unfair and unfavourable conclusions would be drawn from that silence. Should he tender himself to give evidence, (I am now dealing with the case of an innocent man,) and thus leave himself open to cross-examination, admissions may be wrung from him as to his previous life, as to his connexions and dealings with particular parties, &c., which may afford powerful weapons to the prosecuting counsel and secure a conviction, when under our existing rule the prisoner's counsel might content himself with showing that there were reasonable grounds for doubting his guilt. It seems to me that without requiring an accused person to pledge his oath to his innocence, he receives as favourable a trial as, humanly speaking, the wisdom of man can devise. If a strong case of guilt is established, if the witnesses for the prosecution are unshaken in their evidence—if their credibility remains unimpeached, after the searching cross-examination to which they are subjected—if the character and position of the accused man will not save him, his oath will not avail. His statement on oath could only be useful to explain away criminatory evidence of a circumstantial nature, and those circumstances his counsel who speaks for him has a right to explain away, and can do so if they are not irreconcileable with his innocence, and to demand a verdict of acquittal from a jury, on the principle that innocence is to be presumed, and that the benefit of any reasonable doubt is to be given to the prisoner. I set out by stating a principle which will hardly be disputed, that until some tangible necessity for a change presents itself, some unquestionable evil to be avoided, and some unquestionable benefit to be achieved, we should not tamper with laws the wisdom of which we must all recognise. I might have rested my case there; but I have gone further, and I think I have shown that such a rule as is proposed would be productive of evil instead of good, and that until an entirely new system of criminal jurisprudence shall be introduced in these countries, it is one which should not receive our sanction."

DISCUSSION.

Mr. Whiteside, M.P., expressed his thanks to Mr. M'Kenna for his able paper, and stated his concurrence in the views advocated therein. He objected to allowing prisoners to be examined in their own defence. The change would be a subversion of the principles of their criminal law, and it was a change uncalled for. It was easy to make changes, but hard to recover ground lost thereby. He gave instances of trials on the Continent, where the prisoner was severely examined by the judge. In one case, every time the prisoner was asked by the judge what he had to say to this or that piece of strong evidence, he said, emphatically and prudently, "It's a lie." He hoped they would not have such scenes in their courts here.

M. Desmarest, of the French Bar, said he thought a prisoner should be left to his own option to say whether he should be examined or not. In France there was a general movement going on against oaths, and it was very generally thought that the man who would tell a lie would swear to it. Children were not sworn in the French courts, and still the verdict of a jury might be founded on their evidence. Yet, very seldom, indeed, was an innocent man found guilty.

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They had much to learn from England, but still England might learn much from France. All the law of France was to be found in one small shilling book, which was a most important consideration.

Mr. ADAIR was of opinion that a prisoner might with advantage be examined, and the truth ascertained. Guilty prisoners too often escaped; whereas, if they were examined the truth would be elicited, and they would be convicted.

Mr. WHITESIDE observed that the Crown counsel never exerted himself to obtain a conviction, while the prisoner's counsel was bound to use every exertion to have him acquitted. The object of the Crown in England and Ireland was only to elicit the truth.

Mr. URLING thought that every prisoner should have an option of tendering himself for examination; and in such a country as England his not giving evidence would never affect him with a jury, who always founded their verdict on the evidence, and that alone.

Lord BROUGHAM said that he knew a case where a solicitor was charged with libel, and the party charging him instead of bringing an action indicted him, and thereby shut his mouth. The allegation was, that the prisoner attempted to extort money and libelled the prosecutor; and he was acquitted of the alleged extortion and convicted of the libel. The prisoner consulted counsel as to what he should do to get redress, and he was told that all he could do was to charge the prosecutor with perjury, and thereby close his mouth; but he did not think right to do so, and he had laid the case, by petition, before the House of Lords, and prayed that the law should be amended. Sir Fitzroy Kelly, and other high authorities, approved of allowing prisoners to give evidence. He did not mean to say that prisoners should be forced to answer every question that might be put to them by the judge, who had the informations before him, or the prosecuting counsel.

Mr. C. R. BARRY, Q.C., stated that, as one of the Crown counsel for Dublin for some years, he might be permitted to say a few words. For a long time he was strongly opposed to the proposal to examine a prisoner; but, after much consideration, he had arrived at the conclusion that it was most desirable that prisoners should have the power of tendering themselves for examination. Guilt was often brought home as clear as day, and still, from some slight flaw in the evidence, the prisoner escaped, although testimony which was at present inadmissible was at hand. He thought that in criminal cases prisoners should be open to be examined, and he did not believe that such an examination would ever lead to the conviction of an innocent man, although it would have the effect of assisting in his acquittal. Formerly a man having the slightest interest in a civil case could not be examined; but that absurd doctrine was abolished in 1843, and subsequently, in 1851, the parties themselves were permitted to give evidence in civil cases, and he believed the change had worked well for the public generally.

Lord BROUGHAM observed that Mr. Stuart Wortley, who was Recorder for London for years, approved of examining a prisoner's wife, and he thought he was coming round to the examination of the prisoner. No doubt many high authorities were opposed to the prisoner's examination.

Mr. J. CAMPBELL SMITH disapproved of examining prisoners, as it was the most plausible ruffians, like Palmer or Rush, that would come forward to tell their story, and perhaps get an acquittal from their audacity; whilst an innocent man might be convicted, arising from a faltering, nervous, and hesitating natural manner. He did not think the same objection applied to the examination of prisoners' wives in criminal cases as to the prisoners themselves.

The PRESIDENT said, in conclusion, that the opinions expressed in the valuable debate they had heard, confirmed him in the view he had stated in his address that the alteration proposed in the law by Lord Brougham ought to take effect.

PROPERTY OF MARRIED WOMEN.

Mr. DAVID ROSS, M.A., LL.B., contributed a paper entitled "Remarks on the Act enabling Married Women to dispose of Reversionary Interests in Personal Estate (20 & 21 Vict. c. 57,) with Sugges-

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tions for the Amendment of the Law on the subject," of which the following is an abstract :—

The Act under consideration provides that "after the 31st of December, 1857, it shall be lawful for every married woman by deed to dispose of every future or Reversionary Interest, whether vested or contingent of such married woman, or her husband in her right, in any personal estate whatsoever to which she shall be entitled under any instrument made after the said 31st December, 1857 . . . as fully and effectually as if she were a *feme sole*," provided her husband concur in the deed, which is to be acknowledged as therein directed.

The preamble of the Act professes to give power to dispose of *all* such interests, and such probably was the design of its original promoters. But there are excepted from this power the three following important classes of cases :—

1. Reversionary Interests in personal estate created by instruments made prior to January 1st, 1858.

2. Similar Interests settled on the wife after that date by any settlement or agreement for a settlement made on the occasion of her marriage.

3. Similar Interests to which she shall become entitled by any instrument restraining her from alienating or affecting the same.

These exceptions will be found to render the Act in practice all but nugatory. Moreover, in the cases to which it may apply, the remedy afforded appears open to the serious objection that a wife otherwise unprovided for may be left penniless if she deal with such interests under the Act.

I therefore propose that this Act should be repealed.

Before suggesting the provisions to be substituted therefor, it is desirable to ascertain what the law prior to the passing of the recent Act was, and what were the evils intended to be remedied by that Act.

Without going into minute details, it may be stated as the general result of the cases, that as to Reversionary Interests in chattels personal not settled to a wife's separate use, (to which kind of property only the Act would seem to have any application,) the rule was, that the wife, the husband, or both, could not in any way deal with them so as to bind the wife surviving the husband. The only exception to this rule that occurs to me is the case of Reversionary Interests in the proceeds of a sale of real estate subject to a trust for sale but remaining unsold, which could be dealt with under the Fines and Recoveries Act.

Such having been the state of the law, it was pressed by the advocates of reform, that it was frequently a matter of the utmost importance that the husband and wife should have power to dispose of the interests in question absolutely, and that notwithstanding the restrictions, they were as a matter of fact dealt with, but at an enormous sacrifice, in order to provide against the contingency of the wife surviving the husband, and availing herself of her legal right to defeat

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the purchaser's claim; while the existence of such restrictions threw these transactions into the hands of disreputable persons, to the further prejudice of those for whose protection they were imposed. On the other hand it was urged, to use the words of Lord St. Leonards, "that any such change would be attended with mischief, because it would take from parents the security of providing for their daughters, and place the property under the control of the husband."

Great weight is undoubtedly due to some of the considerations advanced on each side of the question. But it is not to be conceded to the opponents of all reform that the law should not be amended so as to enable property of every kind to be transferred (so far as the nature of the case will allow) from man to man as the exigencies of its owner may require. No more is it to be granted to those anxious to place the Interests under discussion absolutely under the power of the husband and wife, that a provision for the wife existing, either by the intention of its bestower or by a legal incident of property should be practically rendered completely subject to the results of a husband's improvidence or misfortune, the vicissitudes of trade, or the inadequate success, or perhaps the dismal failure of professional exertions.

To incorporate in our national code what appears to be desirable in the recommendations and views of both parties, I would venture to suggest, that the wife should in all cases (save where expressly prohibited by the instrument under which her title is derived) be empowered, with her husband's concurrence, to dispose of her Reversionary Interests in personal estate not settled to her separate use, *this power, however, to be subject to a modified application of the well-known equitable doctrine of a wife's Equity to a Settlement.*

It is not necessary for me to notice the nature of a wife's Equity to a Settlement farther than to state that it is a right which courts of equity recognise as belonging to the wife, in cases where certain Interests coming to a husband in her right, and which are either of a purely equitable nature or, though in their nature legal, have incidentally become the subject of a suit in equity, are sought to be recovered by the husband or his assignees. In such cases, courts of equity, acting on the principle that he "who seeks equity should do equity," insist that a provision shall be made for the wife before the property is made available by the husband or his assignees, unless the wife waive her right, or unless an adequate settlement has already been made on her. This right or Equity to a Settlement is not, however, confined to the wife, for it is extended also to her children.

The modifications I would suggest in applying this doctrine to regulate the Interests under consideration are:—

1. That it should be confined to the wife for life, and that it should not be extended to her children. Bringing as the wife does property to the common stock, she has, on grounds of common justice, a fair claim even against creditors to be protected from absolute

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want; but the children have no claim against the Interests under consideration. Their claim is on their father alone to provide for them as best he can when his liabilities have been discharged.

2. That it should not be competent to a wife to waive her Right to a Settlement out of such Interests unless a court of equity should, after a full examination of the circumstances, be clearly of opinion that her doing so would contribute to her own welfare and happiness. A mere formal consent is, in nine cases out of ten, no protection to the wife; and in cases of this kind especially, where husbands dealing with these Interests are likely not to be in the most prosperous circumstances, a strict rule is requisite.

Reversionary interests in chattels real are generally disposable by the husband, subject in the case of a trust term to a wife's Equity to a Settlement. Lord St. Leonards, though evidently opposed to the husband's obtaining any power over Reversionary Interests in chattels personal, expressed an opinion in *Box* v. *Box*, (6 Irish Equity Reports, 195,) that the then existing restrictions over the latter Interests were properly not extended to chattels real. I am unable to perceive why different rules should be applied to these cases. The wife is certainly equally well entitled to be protected against want, no matter what the nature of the property that she brings to the husband may be. I would therefore suggest that Reversionary Interests in chattels real (whether legal or equitable) should be subject to the same restrictions as I have suggested with regard to chattels personal, and, therefore, that they should be alienable only on condition that a prior provision of the nature I have recommended be made for the wife. Of course it is not necessary that they should not be sold—the produce of the sale could be held liable to the wife's Equity if a sale were at any time thought desirable.

I may, in conclusion, observe (though it is outside the subject of Reversionary Interests) that in considering the rights of married women in personal property, an anomaly presents itself which, in any amendment of the law regulating the rights of married women, should be abolished. Where the husband becomes entitled to personal property of a legal nature in right of his wife, he can dispose of it and leave his wife destitute, whereas, if the same property were equitable, it would be subject to his wife's Equity to a Settlement. There is no valid reason that I can conceive why a right of a husband in respect of his wife's property, capable of assertion in a court of equity only, should be subject to a burden from which similar property, if sought for by him in a court of law, is exempt. It appears to me discreditable to our legislators and our laws that a husband can sue in his own name and in that of his wife for a bond debt of £10,000 due to his wife, recover it, and leave his wife without the slightest means of subsistence, while, if the same sum had been money in the Court of Chancery, or a legacy in the hands of executors or trustees, the Court would, on proceedings being taken by the husband to get it into his possession, direct a Settlement to be made. On this point I would suggest that, in

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such cases, a wife's claim to a provision out of personal property of a legal nature should be recognised by an extension to such property of the equitable doctrine of a wife's Equity to a Settlement.

DISCUSSION ON THE MARRIAGE LAW.

This discussion arose on the papers of Dr. Waddilove, Mr. W. O'Connor Morris, Mr. O'Shaughnessy, and Mr. Campbell Smith, which will be found at pp. 191—227.

Lord BROUGHAM said the principal defect of the Scotch Marriage Law was the want of deliberation. It permitted marriages to be contracted without the slightest previous deliberation. Want of publicity was another objection. Attempts had been made to amend the law, by requiring a certain previous residence in Scotland. In 1837 the Scotch bench and bar consented to a Bill, which was introduced that year, but so late that it did not pass, and, as he apprehended, that consent was withdrawn before the following Session. He was once defending a man in relation to a Scotch marriage, and in the course of his speech stated that the jury ought not to think ill of Scotch irregular marriages, for the Lord Chancellor, the Archbishop of Canterbury, and the Lord Privy Seal had made runaway marriages in Scotland. The judge said he did not believe it. He subsequently informed the judge that the three distinguished personages were Lord Eldon, Dr. Sutton, and Lord Westmoreland, who had also been Lord Lieutenant of Ireland.

Mr. WHITESIDE said the history of the Christian Church, in the earliest times, showed that marriage was regarded as a religious ceremony, and that, according to the old law, the marriage ceremony had always taken place at the church door, in order that the lady might be seen by the freeholders, and identified when she came to claim dower. It was accordingly said of one lady, by Chaucer, that—

> "She was the discreetest woman alive,
> For husbands at the church door had she five."

He (Mr. Whiteside) denied that Scotland had any authority to force her marriage laws on the other parts of the empire, as was at present practically the case. If it were proposed to make the law of England obligatory on Scotland two questions would arise for consideration,—one of policy, the other of reason. A learned sergeant lately entertained them in the House of Commons by saying that the laws of Jersey were very bad, but the people of that island sent in a petition stating that they were very well satisfied with these laws, which had existed for centuries, and therefore the proposal of the learned serjeant dropped. If Scotchmen objected to a change in their marriage laws, it would be a question whether any change should be made; but if Scotchmen undertook to reason the matter, then he would make bold to say that there was no reason at all in favour of their law. He had known the case of a lady whom he might call a child, and a boy aged fifteen or sixteen, writing a piece of paper together in Scotland, contracting a marriage, and was it to be said that that was to be a marriage between these children? In one case, a young officer, aged nineteen, wrote some love-letters in Scotland to one lady, and subsequently married another lady, of high position, in the face of the Church, but that marriage was set aside because of those letters, which were held to constitute a marriage with the lady in Scotland. He doubted very much whether the law could be made uniform for the three kingdoms, as a law that might be satisfactory in England and Scotland might not do for Ireland.

The PRESIDENT said he would like the gentlemen who intended to take part in the discussion to consider how far the State should interfere in a marriage contract when the contracting parties were fully competent to enter into it, and had done so by their mutual free will and consent.

Mr. JOHN O'HAGAN said the subject was surpassed by none in importance, and particularly the consideration of the question raised by the President —namely, whether the State had the right or power to impose conditions

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affecting marriage, the violation of which would render the marriage null and void. That the State had the right to impose conditions regulating marriage as regards its civil effects and consequences was admitted by all: but the question raised by the President was of a different kind—namely, whether the State has the power to institute impediments which annulled the marriage *in foro conscientiæ*. No question had been more discussed amongst Catholic theologians than this. Very many had written in favour of the power of the State, and supported their view by very ingenious arguments; but he thought he was correct in stating that the present mind of the Church was undoubtedly opposed to the right of the State. Now it was quite clear, as had been stated yesterday, that the old canon law of the Church required nothing but the free consent of the parties to make a valid marriage, and the presence of a priest was not required until the Council of Trent. But it is also true that the Church uniformly discountenanced clandestine marriages, and from time to time strongly condemned them; but still, although condemned, they remained valid until the Council of Trent. That Council required that a marriage should be in the presence of a priest and two witnesses, rendering the marriage otherwise absolutely void, but with a provision that this law should not be in force until forty days after its promulgation in each parish; but it is held that this law does not apply to mixed marriages, as to which the old canon law remains. So much for the law of the Church. As to the law of the State, it remained the same as the old canon law, and if it were not a legal heresy to doubt a decision of the House of Lords he would say that the case of the *Queen* v. *Milles* was not a proper exposition of the true state of the common law, and that such a decision would not be come to in the present day.

The President said that the observations of Judge Willes in the late celebrated case of *Beamish* v. *Beamish* showed, he thought, that the decision in the *Queen* v. *Milles* would not be decided in the same way now.

Mr. O'Hagan observed that the present conflict between the law of the Church and the law of the State in Ireland presented a monstrous anomaly. Mr. Morris, in his able paper, had observed truly that a marriage between Catholics, no matter how clandestine, or by what degraded minister performed, was a valid marriage. Quite true; but what made it valid? Not the law of the Church, which condemned and annulled it, but the law of the land. Again, a marriage perfectly valid in the eye of the Church might be annulled in law by what Burke called "the shocking and unnatural Act," which we have seen work so disastrously in our own day. What remedy, then, should be proposed for this anomaly? Mr. Morris had proposed that the State should make regulations for the formality and publicity of marriage, which should bind all the subjects of the land, leaving the parties to add any religious ceremony which their conscience should suggest. That was, no doubt, the idea of the Code Napoleon; but he thought it was faulty in principle, and would not be accepted in Ireland. The true idea was, that the State should follow and ratify the regulations of the Church as to marriage. A wiser provision for avoiding clandestinity than the decree of the Council of Trent could scarcely be framed, and it is much to be regretted that those provisions were not enacted earlier, in which case they would have been incorporated into the law of England and Ireland, and have prevented much of the mischief which ensued. As, however, he could hardly hope that Parliament at this day would pass a law in the footsteps of the Council of Trent, he thought that practically the best thing to be done was simply to repeal the absurd Act of George II., and to establish a good system of registration.

Mr. P. J. M'Kenna said they must consider not only what the law was, but what it ought to be. He did not agree with Mr. O'Hagan entirely, for he thought the State had a right to insist on the observance of certain well-defined rules. The State should insist on some notorious proceeding which would let the world know the parties were married, to prevent dishonest men betraying innocent women. Society had too deep an interest in the publication of marriages to leave the question subject to the private rules of any particular creed.

Dr. Waller, LL.D., stated that the Association must congratulate itself on having this important question brought forward in papers by legal gentlemen from England, Ireland, and Scotland. The State, while it surrounded property

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with safeguards, should also surround the marriage contract with equal safeguards. He agreed with Mr. M'Kenna, that no Church should be able by its private rules to interfere in the legality of a marriage. What a safeguard it would be if parties could refer to a general marriage registry, to prevent the crime of bigamy. The course to be pursued was, to adopt a State ceremony and registry, and leave it to the parties to add any religious ceremonial they thought proper. A man might put a narcotic into a stream that passed through his own property for his own use, but if the stream passed into his neighbour's property the neighbour had a right to object to it; and so with the Scotch marriage law—the English and Irish people had a right to call on the State to prevent the polluted stream of Scotch marriages disseminating throughout England and Ireland.

A Roman Catholic clergyman (whose name was not given) expressed his strong approval of the suggestions contained in the paper read by Mr. Morris. He thought that the registry of marriages should take place immediately after the ceremony, and that it might be made compulsory on the clergyman to keep the registry. Of course he disapproved of mixed marriages, but, when once contracted, he did not think the State should render invalid what he believed was valid in the eyes of God. He might refer to a case which lately occurred, in which a wealthy Irish baronet married the daughter of a well-known Irish nobleman. At the time of the marriage he referred to, both parties were Roman Catholics, but as the baronet had been a Protestant within twelve months, a Protestant clergyman had to assist in the marriage to render it legal.

The President said he thought the State should leave religious freedom to every Church, but superadd a civil ceremony to secure a proper registration. In conclusion, he suggested a Committee to be appointed to consider and report on the subject at the next meeting of the Association, stating that he would be most happy to render any assistance he could to them in their inquiries.

Mr. W. H. Muir (of Edinburgh) expressed his approval of the Scotch law, but said he believed, if considered advisable, Scotland was ready and willing to accept a marriage system of registration.

Mr. Jordan said, in his opinion, the religious was more important than the civil portion of a marriage ceremony. It was most essential to have a general law, which would give the contract the fullest publicity, for the benefit of unborn children. Registry of marriages could be effected by a measure which would embrace all creeds, and it should take place immediately after the religious ceremony. If parties did not register their marriages, he would deprive the contracting parties of all marriage rights of property, but he would not let their default affect their offspring.

Mr. Frazer concurred in all the observations made on Mr. Morris's paper, and said he thought he took the right view of the question. The civil contract, he considered was first in point of time, while the religious contract was first in point of importance, and it was to be looked on as an ordinance of God. He spoke on the subject as a Presbyterian, and he must deny that in Ireland they looked on marriage only as a civil contract. With reference to the views of Mr. Morris, if they were embodied in a statute, it would be of great public importance. A marriage by a registrar in Ireland was nothing less than a clandestine marriage, as the notices were only read at a poor law board, and never attended to. He would state a case in point. A farmer in the North died and left two daughters, one of whom was of weak mind, and by his will he gave certain directions as to the disposal of his property in case they should marry without his executors' sanction. The young lady of weak mind was married in Banbridge, when only sixteen, by a registrar, to a young man a minor, and died some time afterwards without issue; and after her death her sister contested the validity of this marriage, owing to the state of the young lady's mind, and by a verdict lately had in the Court of Probate, before Judge Keatinge, it was held to be an illegal ceremony. This case showed the objectionable character of marriages before a registrar, which could be effected without the knowledge of the relations or friends of any of the parties.

The Rev. Dr. Urwick thought that this vexed question would soon be brought to a satisfactory conclusion, and said he highly approved of the appointment of a

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Committee. Under the present system the clergyman who performed the ceremony merely signed as a witness; while the registrar, who only made the entry of the marriage, signed as if he was the person who performed the marriage. In his opinion, in the eyes of God it was a valid marriage if the parties agreed to be man and wife, and lived together professedly as such.

Mr. F. W. Brady, Q.C., said that being engaged professionally in a couple of important marriage cases, he would say a few words. In one case, a widow lady of weak mind, but with a large property, was made drunk, and married to a young man who might be her son; and although she was afterwards found, under a commission, to be of unsound mind at the time, and her property taken under the care of the Court of Chancery, the marriage was still unbroken, and it was doubtful if it could be dissolved. The other case was equally strong, and he would recommend that in any amendment of the law provision would be made to prevent such occurrences. He was of opinion that at least in Ireland marriage would always be considered a religious ceremony, and he would, therefore, suggest that a registrar should attend in church or chapel, and register every marriage. If a law was made that the registrar should be present, he had so much confidence in the clergy of all religions that he was sure no marriage would ever take place in his absence.

Mr. O'Connor Morris spoke as follows, in reply—It would ill become me, after this long and able discussion, to intrude upon you with any protracted observations. In the paper which I had the honour of reading for this assembly, I ventured to enunciate what appeared to me to be the general principles applicable to the law of marriage in the empire. With one very important exception, which has been powerfully urged by my friend Mr. O'Hagan, and seems to press on the understanding of our respected President, these principles on the whole have commanded assent. Nor, indeed, is this remarkable, since they are chiefly contained in that great repository of legal wisdom, "The Code Civil of Napoleon." If, however, that one exception is valid as a complete objection to these principles, I at once admit they cannot hold good, since it goes to their root, and completely annuls them. Now what is that objection? It is this—that as marriage is a contract of divine right and of the highest moral obligation, so the State has no power to deal with it at all; from which, of course, the corollary flows that mere consent is sufficient for marriage, and therefore that it should not be a matter for legislation. I confess it appears to me this is a metaphysical subtlety which cannot stand the test of experience and common reason. All contracts, in one sense, are of divine right and of the highest moral obligation, because they bind conscience and are a part of our duties. But the laws of all countries have found it necessary to annex conditions to all contracts which, although they hold them binding morally, prevent them from being enforced in a legal forum, and thereby practically reduce them to a nullity. The State has thus jurisdiction on these contracts; and on this principle it should have jurisdiction to deal with the great relation of marriage, more especially as the consequences of that relation involve such momentous consequences. This, then, is my answer to that objection, and it appears to me conclusive on the subject. As regards the marriage law of England I have ventured to think that in essential particulars it conforms to the principles I have enunciated, so I shall only make this observation upon it—that I cannot assent to the proposition that at any time, by the laws of England, consent was enough to make any matrimony. I believe that the intervention of a priest was necessary; and I think that all the confusion on the subject arises from not distinguishing between the contracts recognised by the canon law, which might have been afterwards made marriage, and the real, as it was called, *ipsum matrimonium*. Passing on to the law of marriage in Scotland, I have no hesitation in saying it is perilous and scandalous. It does not say what marriage is; it omits all civil ceremonies whatever, and it has been pregnant with ruinous consequences. I am told it has been the protection of women. I say that it has been the ruin of many innocent women, by entrapping them into bigamy with men who have been bound by these clandestine engagements, thereby ruining them for life, and bastardizing their children. I say, further, it has proved perilous to the chastity of woman, by breaking down the plain distinctions between right and wrong, and applying a moral character to

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equivocal acts which never should be of a matrimonial nature. It has led thousands to trifle with marriage, and has thus lured them to a region of peril which has proved their ruin. If the Scotch choose to have that, we are not to be bound by it, and a legal barrier should be raised against it to prevent its evil from infecting the empire. As regards the law of marriage in Ireland, we are all agreed as to its great mischiefs, and I am happy to say we do not, I think, differ widely as to the principle of its amendment. It is obvious that a law which makes the hidden accident of creed a test of the validity of a marriage and which practically has this result that no marriage in Ireland, except the few celebrated in the Established Church or before a registrar, is free from doubt—and even these are beset by perils arising from the clandestinity of some Roman Catholic marriages—requires an instant and large reform. I have indicated the principle of such a reform, and I undertake to say it is quite feasible. I advocate having a State functionary present at every marriage in Ireland, giving full power to the clergy of all denominations to clothe the contract with religious sanctions. So I would have a joint partition of this great moral territory which Church and State now hold confusedly in common. So I would render to Cæsar the things that are Cæsar's, and to God the things that are His. Would I deprive this great contract of one hallowed association? No! It would be monstrous not to have religion a witness to a relation which binds man and woman for life—is here the fountain of domestic sweets, is hereafter the emblem of a mystical union which transcends the power of our feeble reason. Marriage, the image of happiness here, and the type of heaven in the future, should always be divinely hallowed, but for its own protection it should allow the State to support it. To attain this great end there must be mutual concession between the religious sects of this country. Let us give and take; and let us receive in exchange the inestimable blessing of one uniform general law presiding over this great relation, getting rid of laws which divide us into hostile camps, extinguishing the wretched relics of an evil day, joining together those whom God never intended to sunder, giving to Church and State their respective rights, and placing this great contract on the perfect foundation of peace and happiness, of truth and justice, of religion and piety.

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EDUCATION.

UPPER AND MIDDLE CLASS EDUCATION.

On the Question whether the System of Competitive Examination gives an undue Advantage to Persons of an inferior physical development. By the VERY REV. DEAN GRAVES.

THERE is an objection against the working of the competitive principle put forward by Lord Grey and other writers, which appears to deserve more detailed examination than it has yet received. "It is," says Lord Grey, "a well-ascertained fact that the premature forcing of young minds has an injurious effect upon their vigour in after life, and the acquisition of a great amount of knowledge may be dearly purchased by weakening the powers of judgment, of reflection, and of original thought." It is true that in our own University, and in other educational institutions, students are occasionally seen to sacrifice their health in the pursuit of literary and scientific distinctions; and the grief with which we regard cases of this kind is often enhanced by the consideration that the State loses the services of the most promising of our youth, and human learning is deprived of the aid which the brightest talents and the greatest assiduity seemed to promise for its advancement. We must also admit that a good constitution and a reasonable amount of bodily vigour are essential qualifications in persons employed in the public service. It is, therefore, a very proper question to raise, and, if possible, to determine by facts, whether our public competitions, as at present carried on, produce the bad effects apprehended—whether the successful competitors are, on the average, below par in bodily energy. If this really were the case, we might by this time be in possession of facts sufficient to prove the assertion. Taking the data furnished by all the competitive examinations for admission to Woolwich and to the East India Civil Service, we might have proved, if it were true, that the men who stood highest in the list of the successful candidates were, i general, the least robust—that, going further down in the list, we met with men of greater vigour, and finally obtained the greatest amount of activity and strength amongst the men who gave the least evidence of diligence and talent. And, conversely, if we could but obtain access to lists of young men who have distinguished themselves by the performance of feats of strength and activity, or by

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their pre-eminence in manly sports, we ought, if there be substance in the objection which we have undertaken to discuss, to find the highest places in the gymnasium and the play-ground monopolized by those who had most carefully—I will not say studiously—avoided the danger of impairing their bodily powers by mental application.

It is much to be regretted that we are not supplied with facts regarding the *physique* of the successful candidates in the great public competitions. These examinations have been conducted on so great a scale, that their statistics would have supplied us with trustworthy results. More than two hundred young men have offered themselves at once as competitors for appointments in the East India Civil Service. But the idea of asking for information respecting their weight, height, and dynamical capabilities, does not seem to have occurred to any person. The successful candidates pass a medical examination designed to exclude persons labouring under bodily infirmity. But an inspection of this kind would be insufficient for the purpose which we have in view. We should require experiments like those instituted by Quetelet and Sir James Forbes, and, perhaps, some additional information to enable us to judge whether the candidates possessed good bodily stamina. Happily we are not left without some means of determining the point which is at issue. We have in Trinity College competitive examinations of great severity continually occurring. The emulation amongst our young men is as active as could be wished. Perhaps we have even reason at times to complain of its excess, and of the severity of the examinations which are becoming more and more searching and extended as the examiners find it more difficult to decide amongst well-prepared candidates. We also have our manly sports and trials of strength amongst our alumni, and for the last couple of years I have collected information with respect to the class of students who have distinguished themselves in these latter exercises. Before I proceed to lay the results of my inquiries before the Section, I must pause for a moment to remark that those who argue in favour of physical capacity in the public servant are not so absurd as to require that he should be an athlete or an acrobat. But they do desiderate an active and robust frame—in short, a *corpus sanum* to hold the *mens sana*—and this is only reasonable, for we have been told by Sir Charles Trevelyan, "that under the patronage-system, the comparative lightness of the work, and the certainty of provision in case of retirement, owing to bodily incapacity, used to furnish strong inducements to parents and friends of sickly youths to endeavour to obtain for them employment in the service of the Government; and the extent to which the public are consequently burthened—first, with the salaries of officers who are obliged to absent themselves from their duties on account of ill-health, and afterwards with their pensions when they retire on the same plea—would hardly be credited by those who have not had opportunities of observing the system." No doubt, gross abuses, such as are here complained of, are checked by the medical examinations conducted under the authority of the Civil Service

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Commissioners. Between 1855 and 1859, they rejected, on the score of bad health, no less than eighty-eight persons, by whose infirmity the public would otherwise have suffered. But the man employed in any important public office ought to be not only free from bodily ailment, but of more than average activity and capacity for continued effort. Certainly, it is not easy to devise a test which will exactly determine this kind of physical fitness. But there is a passage in a letter of Dr. Vaughan's which suggests a mode of approximating to the result at which we are aiming. "Between the two classes of bookworms and dolts, there is," he says, "a middle order, by far the largest of all, consisting of boys who combine more or less of diligent attention to their studies with more or less of marked proficiency in games. At Harrow, it is thought almost discreditable not to play, and play well, at some games; and I am happy to say, very many, if not almost all, of our successful scholars have been great also in the school games. I have known boys who have gained an annual scholarship by open examination against the school, and who have been also members, or even captain of our Eleven at cricket." Those who have played cricket know that success in that game requires a combination of physical qualifications—strength, activity, endurance, a quick eye, and great dexterity. In a rough way, I am not afraid to assert that a good cricketer possesses, in a high degree, the bodily attributes which might be thought desirable in a man serving the public in a civil or military capacity. A few years ago I might have been misunderstood or ridiculed for making such an assertion. Now, I am happy to say that this manly sport is rapidly spreading through Ireland, contributing to the health, the recreation, and even to the morality of all classes. I hold in my hand the list of the members of the Dublin University Cricket Club, as furnished to me by the secretary, and I will ask you to allow me to analyse it. The result is this:—That in 1861, out of 108 members in the Cricket Club, sixty can lay claim to more or less of collegiate distinction. In the first eleven are two University students and five other gentlemen who are known as college prizemen; in the second eleven are eight honormen; in the third eleven, eight more, including a University student; and the conclusion to be drawn from these statistics is certainly unfavourable to the theory of those who hold that literary and scientific competitions give an undue advantage to persons of an inferior *physique*. They demonstrate that the students who succeed in manly sports and trials of strength are not a distinct class from those who gain the highest places in our literary and scientific competitions. On the contrary, the college prizemen have much more than their share of the highest distinctions on the cricket ground. The proportion of honormen in an undergraduate class is about one-fourth of the whole number. We might therefore expect to find only twenty-seven honormen in the cricket club. There are sixty, all sound in sight, wind, and limb, actually men of a superior *physique*. But again, out of the thirty-three best cricketers twenty-three are honormen, of whom three have obtained the very highest prize that

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the University bestows, a prize for which the competition will always be greater than that for any civil service appointment. I may add that the statistics of the University Cricket Club for the two preceding years give results precisely similar, only less valuable, because the numbers are not so large.

Besides cricket, we have in college athletic sports of all kinds. In these latter, it is not to be expected that the honormen should distinguish themselves as much as they do in the former. In purely athletic games, mere physical qualifications are all that is required to insure success; not so in cricket, which furnishes no small exercise of intelligence. Still, in our athletic games the honormen carry off more than their share of the prizes. Out of forty competitors in 1861, fifteen were honormen, and out of fourteen winners, four were distinguished in college. The facts which I have laid before you, so far as they go, negative the question which I propose as the title of this paper. But they fall in with a view which is justified by a wide experience. It has been observed that, in general, great and continued intellectual exertions can only be made by men of a well-constituted frame and vigorous health. The longevity and the fine physical development of great men attest this. Examples are abundant; we need not go far beyond our President to look for one. Successful in the greatest competitions of life, he owes no small portion of his fame and usefulness to the untiring energy of a robust bodily frame. Long may he enjoy that combined vigour of mind and body which has carried him through the fatigues and excitements of this stirring week. I hold that the sound healthy brain which enables its owner to achieve the greatest success in intellectual efforts, extends its action through the entire frame; it reaches to the hands and to the feet, imparting a general vigour and activity.

Intermediate Education. By the Rev. John Hall.

In the age which witnessed the foundation of our older universities, the education of the masses of the people was hardly contemplated as practicable, and the object in view was to furnish the knowledge required for the learned professions. In a later time desultory and limited efforts were made to establish schools for persons not necessarily intended for those professions. But it is only comparatively recently that the education of the masses of the people has been regarded as an object of reasonable expectation. Of the wisdom of making public provision for the highest range of education, and for the higher classes, there can be no doubt whatever. That question is not raised by any party; nor is there any difference of opinion as to the desirableness of offering instruction to the poor, though unanimity is wanting as to the best mode of offering it. Of the late Royal Commission to inquire into popular education in England, a minority maintain the Government should now leave the duty of

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educating to private sense of duty and benevolence, except in case of destitution, vagrancy, or crime. But the majority, in common with the majority of the English people, recommend the continuance of public grants, and increase of Government interference. It is not too much to assume, then, that high class education is not likely to be left for a very long time to come to the operation of the laws of demand and supply. Nor is it too much to assume that, for the education of the lower but independent classes, public grants will continue to be made under regulations modified by circumstances and increasing experience. But between these two there is a chasm in this country, not yet bridged over in any adequate manner by the Legislature, and for which a scheme of intermediate education is urgently required.

By "intermediate education" we do not mean, primarily, education for the middle classes, but education of a kind intermediate between the primary school and the college or university. The clever boy who has passed through our primary schools, where he is under obligation to public effort, may find his way to the Queen's College, or the University, where he is again under obligation to public effort; but, in order to do this, he must have passed over a region where the Government gives him no aid whatever, or only in such a way as to be inadequate to the wants of the country. Not because we regard unfavourably the necessity for self-reliance thus created, but because of what the Government has already done, we ask that another step should be taken, and a system of classical schools established throughout this country.

Before assigning reasons for this opinion, let me mention that the subject was taken up with spirit in the year 1854 by my able and accomplished friend, Dr. M'Cosh, of Queen's College, Belfast. In a series of letters addressed, by permission, to the Earl of St. Germans, then Lord Lieutenant, he exhibited the condition of the country in such a light as to leave no doubt on the minds of many candid and influential persons that there was urgent need for public interference. Some steps were taken towards it in Parliament, but the question became complicated by the introduction of new elements, and changes in the Government took place, postponing, let us hope, only till our time, the completion of the educational machinery of the country, so that the boy from the primary school may be helped onward, by a judicious outlay of public money, to the highest advantages the University can furnish. For let it be borne in mind that there is a class of schools, once numerous throughout this country, now almost disappearing before the national system. In the schools of this class a few boys learned classics and mathematics. They were not sufficiently numerous to sustain a school, but the teacher supplemented his income by the instruction of non-classical pupils. The latter, however, have gone to the national schools, and it has ceased to be remunerative to the teacher to keep up his school for the sake of the few classical scholars. Very many Irish towns and villages had formerly such adventure schools, which have entirely disappeared. That the loss is practically great is proved by the fact that no incon-

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siderable number of distinguished men at the Bar, and in the various Churches, have been indebted to these for their preparation for the Universities of Dublin or Glasgow. Many Irish towns, as Dr. M'Cosh showed, with a population of three, four, five, or six thousand, have no classical school; and many populous neighbourhoods, thriving villages, and rising towns, are five, ten, or even fifteen miles from any classical school; while in Scotland a classical education at a cheap rate, except in the thinly-populated highlands, can be had within a very few miles of every family by means of the burgh, parochial, and latterly the Free Church schools. It is easy to see how many promising and clever lads must be intercepted by the want of a connecting link between the common school and the college, who otherwise would find their way to the places of apothecary, surgeon, solicitor, or to the Bar, or the ministry of the various Churches.

But the Government has created another reason for its interference here. To Lord Stanley the country is indebted for the existing primary schools, and to Sir Robert Peel's Government is it indebted for the three Queen's Colleges, each with a staff of twenty professors giving instruction in medicine, law, agriculture, and arts. In these kingdoms no higher standard of education is set up than in these colleges, and the university which they constitute; and that this standard is attained as fairly as elsewhere is proved, to the great credit of the energetic and thoroughly competent, but poorly paid staff of professors, by the competitive examinations. But whence are the pupils to be drawn to the Queen's Colleges? Throughout the country, there are diocesan schools and endowed schools—by no means numerous enough for the wants of the country, and in which, owing to various causes, the course of preparation is adapted to the elder University. In making reference to Trinity College, it is to be distinctly understood that no jealousy towards her is felt, for no true friend of Irish education would lower her proud position, or limit the usefulness of the distinguished men who sustain her reputation. We would not give her less, but the others more. Our argument is, that the Legislature having affirmed that there should be primary schools at the public expense, and that there should be Queen's Colleges and a Queen's University at the public expense, and the empire having as a whole accepted the arrangement—for, be it borne in mind, no succeeding Government has touched but with a helping hand the systems originated by Lord Derby and Sir Robert Peel—it is necessary to connect the two, and to feed the latter by a system of schools in advance of the primary schools, and preparatory for the Queen's Colleges. Otherwise the educational legislation of the country, as Dr. M'Cosh has shown, will be like a costly house with two storeys, each roomy and airy, but in which the builder overlooked the connecting staircase. That the Queen's Colleges have succeeded so well, with the only schools that could have been feeders to them incidentally diminished by the National Board, is a striking—in my mind, a most impressive and encouraging—proof that a growing

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thirst for knowledge, with a laudable ambition to rise by enlightenment, pervades the great mass of the Irish nation.

How the schools should be organized or sustained I do not deem it wise to attempt to discuss in this paper, farther than to say that local efforts should be stimulated, not superseded, and that the system should be separate and distinct from the National Board. Let it be hoped that thus we should escape the temptation to carry the old battle-cries into the new field of effort. At the same time the plan of united ordinary instruction, under the supervision of the State, and separate religious instruction under the Churches, would be as defensible in principle as in the primary schools, and more manageable in practice.

PUBLIC ELEMENTARY EDUCATION.

Suggestions on the Failure of Education in the Junior Classes of Elementary Schools. By the Rev. W. A. Willock, D.D., *Ex-Fellow of Trinity College, Dublin, and Rector of Cleenish.*

By the report of the Commissioners appointed to examine into the state of popular education in England and Wales, presented this year to Parliament, a most discouraging fact has been brought to light—that, after £1,000,000 of public money spent on building school-houses, £500,000 on inspectors, and £2,500,000 on the training of teachers, the result has been that "the junior classes of schools, comprehending the majority of children, do not learn, or learn imperfectly, the most necessary part of what they come to learn—reading, writing, and arithmetic." One of the causes assigned for this failure of the education system of England is the short period of time that the children of the poor can attend school; and Mr. Fraser, whose experience on educational matters entitles him to be considered an authority, tells us that we must make up our minds to see the last of a peasant boy at school, as a day scholar, at ten or eleven years of age, and that he has no brighter view of the future, or the possibilities of English elementary education, floating before his eyes, than to have a child of that age taught to spell common words, to read as much as he cares to read, to write a letter to his mother, and to cast up a shop bill; and to do all this in such a manner that he will not forget these accomplishments. He adds:—"Had I ever dreamed more sanguine dreams before, what I have seen within the last six months would have effectually and for ever dissipated them."

This is a very disheartening announcement, especially for those who have been at all sanguine in their expectations about education; and though it is made here only for England, there is sufficient evidence to prove that it holds good for Scotland and even for our

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own Ireland, where we are, perhaps, too much in the habit of imagining that the innate talent and natural quickness of the children of her soil must have produced far greater and more brilliant results. In this country we are rapidly coming, as regards our child population, to the state of England. The drain caused by emigration on our adult population, the increase in the amount of the labourers' wages, and the consequent demand for child-labour, are hastening Ireland to the state described by Mr. Fraser, in which we must look forward to see the child no more in school after ten or eleven years of age. Perhaps in Ireland we may be tolerably safe in fixing the limit at twelve, and saying that in our future arrangements for the education of the great mass of her people, the foundation must be solidly laid before the child is twelve years of age.

Having been myself for now nearly ten years engaged in promoting education in country schools, both in the south and north of Ireland, I must confess that experience has forced me to the conclusion arrived at by Mr. Fraser for England, though at the commencement I had very high notions of what might be done in the way of education: not that I consider it of little importance to teach peasant children grammar and music, geography and history, Euclid, and even the outlines of drawing. I consider these things of great importance, and to be capable of adding very much to both the intelligence and the happiness of a working people. But I fear that we have at the first aimed at too high a mark, and, by proposing too extensive a curriculum of study for people who have little time for such pursuits, neglected the more important acquirements—those which are the first steps of intellectual progress, and the instruments by which knowledge commonly enters the mind. In the dissipation of the mind caused by attention to too many subjects, reading and writing have been seriously neglected in the case of the majority of children.

To a great extent, then, I would attribute the failure of our present efforts to educate the people to the greater attention paid in schools to the superstructure of education, and the less to the instruments and very foundation. Children are pushed on into higher classes before they are properly grounded in first principles, and are thereby rendered incapable of taking in the teacher's advanced instructions. They consequently become careless and indifferent about attendance on school. Parents, seeing but little progress made, begin to think that their children could be more usefully employed at home; and hence, after some feeble efforts made towards providing an education for their children, they take them from school, and the result is, as shown by this report, that more than seventy-five out of every hundred never acquire even a decent knowledge of the essentials of reading, writing, and arithmetic.

But this brings us only partially to the root of the evil. Though the apathy and selfishness of the parents, and the unskilfulness of the teacher, caused by deficient training in the art of communicating knowledge to the youngest classes of children, have much to do with

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producing it, yet I conceive we may search deeper, and possibly find the true, though more remote, cause in the existing arrangements of our schools. I am inclined to think that the real cause of so many children (75 per cent.) never attaining a decent knowledge of reading and writing, is the slow progress made by the *most junior class* in the school—class No. 1—that just commencing to learn to read: a state of things which, I fear, will continue to exist as long as this class is taught in the same school, and by the same master, with other and higher classes. Though some localities enjoy the advantages of having separate boys' and girls' schools, and an infant school besides, and a few more can boast of having the first two, though not the infant school, still, throughout the country generally, (for I am here speaking of Ireland, though, I am sure, a similar state of things exists, though in a lesser degree, elsewhere,) the type of the school which exists is one building, in most cases of no very pretending style, in which all the children—boys, girls, and infants—assemble, and receive instruction from one teacher, generally a man. A much smaller number of such schools are under mistresses. In these schools the teacher must divide his time, say five hours, between the four or five classes under which the children are arranged. He seldom has any assistance, except perhaps from a monitor, either paid or unpaid, who is generally one of the senior boys or girls of the school, and no very skilful hand at teaching. Now, in this class of schools, in which four-fifths of the people are to be educated, Class I. —that just learning to read—is practically the most important, as on its teaching and progress must depend the progress of the other classes, and the *average* amount of knowledge acquired at any particular age,—say eleven or twelve years. If the children in this class are taught well and quickly, then the sooner will they pass on into the second, third, and fourth classes. If they make but slow progress, the result will be the reverse, and twelve years of age will come on the majority of them without their knowing much even of reading and writing, and, therefore, of anything else.

It is in this class I would seek the root of the evil, and here apply the remedy. It ought to be taken up as the most important in the school; it is commonly treated as the least important, and allowed to take care of itself, or handed over to the tender mercies of an unskilful monitor. The blame is not to be thrown altogether on the teacher. It is true that it is his duty to resist the temptation of turning away from the disagreeable work of teaching the infant children to lisp their first letters, to the more palatable task of instructing the higher classes. But will schoolmasters in 4000 or 5000 schools so resist? Is it not certain that they will generally neglect this class, and imagine that they receive more credit, and show more brilliant results by giving their chief care to the upper classes? This will most assuredly be the case with the great majority of them, and I fear it is what most commonly happens; and the higher the training of the schoolmaster is, the greater will be the danger. But again, I think we may go further, and say that it is impossible for

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one teacher to do the work effectually of so many classes. The first class alone, containing a large number of children, would require, to do it justice, a large portion of his time to teach it. It is slow work, and it requires much patience and attention; and he who does it full justice can scarcely give full attention to the higher classes. I would not, therefore, be too ready to blame the master, though deficient training and neglect of duty may unquestionably have increased the evil.

To this cause, then, the defective teaching and slow progress of the junior classes, caused in a great degree by having them taught in the same school with the advanced children, and by the same teacher, I would attribute to a very great extent the failure complained of. There are other causes at work, no doubt, arising from the unfortunately divided state of opinion about education in this country, for which at present there seems to be no remedy; but the above is a very influential cause, and one, moreover, over which we may have some control, and which each patron or manager of a school, whatever be his way of thinking, has it in his power more or less to obviate.

I have, of course, considered the question of a remedy. The question has been forced on me by the state of my own parish, in which the schools are all single schools of the kind I have described, and in which the evil exists to its full extent. In answering the question, it is first necessary to state the objects of elementary education, by which term I denote the education of the poor. Its objects clearly are twofold:—First, to teach reading, writing, and simple arithmetic, with religion and morality, to as large a number of children as possible—to those who are hereafter to become labourers, ploughmen, artisans, soldiers, sailors,—all, in a word, belonging to that large class of our fellow-creatures who must earn their bread by the sweat of their face. The second object is to give full opportunity to talent wherever it exists, and in whatever garb, to raise itself. As to the former class, it is evident that much cannot be expected of it in the way of education—either to take in much or, what is more difficult still in their case, to retain it. The ability to read a book with intelligence seems to be the accomplishment which is most calculated to contribute to the happiness and refinement of the working man—two desirable things. Writing and to be capable of keeping a simple account are also desirable things. No pains or expense can be too great which will do this effectually for the great mass emphatically called the working classes. As to the second class, few will, I trust, deny to them the opportunity of rising which I claim. I can find no words better suited to express my own feelings on this subject than those of a report from the schools of Cambridge, in Massachusetts:—"Our wealth is in the mines of the intellect which is in the popular body, and not in gold and silver. To make this wealth available we must labour, not only to extend some education to all, but to put the best education within the reach of those who can turn it to the best account." The number is de-

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creasing, I trust, of those who object to educating the people, that it unfits them for the station in life to which they belong. There is too much of the notion in this that a Pariah should remain a Pariah, and never become a Brahmin. I acknowledge that where there are natural abilities, talent, or genius, there is this unfitting influence at work. And why should there not be? Genius has its aspirations as well as its inspirations. It urges the peasant boy to the school, from the school to the gymnasium, from that to the college and university, thence to the learned professions. There is no station of life to which it forbids him to aspire. He may become a distinguished lawyer, an eminent physician, an eloquent preacher, a judge, archbishop, lord chancellor, statesman, or adviser of Royalty. In every stage there is an unsettling of what went before; but the motto is "Excelsior!" There are, of course, many failures, disappointments, and heartburnings; but you cannot say to ambition, "Cease to aspire;" for if you did the world would become a stagnant pool, and civilization and progress would come to an end. Progress, then, there must be. It must be open to the poor as well as to the rich; and the gate to that progress is, in the case of the poor man, education.

I must now state my views as to what might be done to hasten on and improve the education of the youngest class in our schools, and give better hopes of the above objects being reasonably gained. I speak of Ireland, though what I say will probably apply, with some alterations, to the subject generally.

In places where there is, in addition to separate boys' and girls' schools, an infant school, it appears to me that there is nothing to be done but to improve the latter so as to make it an effective feeder to the former. For this purpose some change would be necessary in the training of infant schoolmistresses, so as to make them better calculated to do the rough and not always agreeable work of teaching reading and spelling, and be less inclined to spend time in amusing the children with games, songs, and plays. In the places where at present there is a girls' school, in addition to one for boys, but there are not means for supporting an infant school besides, there it is a question whether education would not succeed better by converting the girls' school into one for infants, and having the more advanced girls taught in the upper school by the master, and to introduce the system which I propose should be introduced in those other localities where at present there is only one school. My opinion is, that it would. The arguments of David Stowe in proof of the advantages of the mixed system seem to me to be convincing; and I cannot see that any great evils can result from it, if it be true that we must make up our minds not to see the peasant child at school after twelve years of age. I shall, therefore, proceed to the case of localities where at present there is only one school, and the master instructs in one room all the children, young and old, boys and girls. The single step necessary in all such cases is, that an infant school be established. I do not know whether I ought to call it an infant

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school—it is something of the kind; but I mean a school of little people, in which solid work is done, and the chief object is an early and rapid acquisition of the power of reading and writing. The teacher should be a woman; such are better suited for young children. They can better sympathize with them, and be to them as a mother. If such schools were established, having this as their chief object, the result would be that these juveniles would early appear in the upper school, and at once commence to profit from the master's instruction; while he, relieved of the infant class, would have more time, and be better able, to attend to the upper classes, and carry on the work of education commenced in the lower school, so as to have children to know something real and solid before twelve years of age.

But I consider that the advantage would not end here. Many children who now leave school at eleven or twelve years of age would continue at school. Parents are not always justly blamed for the non-attendance of their children. They frequently, as I well know, take them from school because they perceive no progress; and I am ready to give them so much credit for parental love, that I feel confident they will make sacrifices to let the children attend, whenever they find, as they express it, that they are "getting on." If a father finds his boy has done well up to twelve, the probability is that he will give him a little more time to do better, and the boy himself will be also more anxious to attend, and will induce the parent to allow him. A double system of schools of this kind would be attended with great advantages. It would give talent its opportunity, for the master, from his superior training, could push it forward. It would give the mass of children their reading, writing, and arithmetic effectually. It would have the advantages of a division of labour, if that be of any value. The present high training of teachers need not be given up; it will be all required. It will only be necessary to give more attention to training teachers in the art of *teaching* children to read and write, and though a new class of teachers would be created—those for infant schools—it would not be necessary to impart to them any high training beyond the simple work they have to do.

I shall now notice a few objections which may be made to this doubling of our schools. The first is the increase of expense. But nothing good can be done without trouble and expense. Besides, there is nothing in the arrangements of the present National System, or any other system of schools in Ireland, opposed to this proposal. The Board are ready to grant salaries for girls' schools wherever they are started, though it were even in conjunction with, and hard by boys' schools; and here we only propose infant schools instead. As to expense, I think it cannot be so very great. Female teachers are more easily got, and at lower salaries. The qualifications here required would not be high, though in the training they should be accurate as far as they go. A small salary would secure the services of some intelligent female in the locality, who, for three hours in the

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day, might teach this infant class, and, for two hours more, make some profit from teaching the girls of the upper school needlework. The chief difficulty would, I conceive, be in building a school-house for her; but that, considering how cheaply schools are built in the country sufficient for the purpose, would be easily got over by local subscriptions.

An objection might be made that the substitution of infant schools for purely girls' schools would deprive girls of the opportunity of receiving instruction in needlework; but, as I have already hinted, the girls of the upper school might, after three hours' literary instruction from the master,—and that would be sufficient for them,—go to the lower school for two hours daily for this instruction in needlework. One of the objections to the mixed system might be removed a little by this arrangement, for the peculiar class of evils resulting from the mixed system is felt more immediately after the breaking-up of school than at any other hour of the day. But if any have such an insuperable objection to the mixed system as to consider a change of the above kind as totally undesirable, then, all I can say is, that the mixed system is that which *already exists* in four-fifths of our schools, and that I am only dealing with things as I find them, and only in a small class of cases proposing to introduce the change objected to.

In confirmation of what I have said of the impossibility of one teacher in one school doing the whole work of education, I shall mention the ordinary practice of teaching writing. One would think that when any particular class is set to write, the master should stand over it, and give directions to each child, and watch him. Now, this is done in none but first-class schools, such as the model schools. The ordinary practice is for the class to sit down, take out the copy lines, and write as best they can. The master is engaged with some other class, and can give but a passing attention, and an occasional look. He is supposed to examine the copies, but you can easily imagine how writing will progress under such circumstances.

I wish to say a word about school-houses for either male and female schools, or for such as I advocate. A very common practice is to have both schools under a common roof, though in different schoolrooms. I cannot conceive a more objectionable and inconvenient arrangement. The form in which I have witnessed and felt the inconvenience is the difficulty experienced in cases of vacancies, of getting new teachers. If you appoint a single man and a single woman, then, be their conduct ever so good, the world will not give them credit for it. You must advertise for a man and his wife, or a brother and sister, or some binary combination of that kind. The consequence is, that the field of selection of teachers for such schools is limited to a fearful extent. If you succeed in getting a pair, one may be good, and the other indifferent; and if you afterwards have reason to part with one of the couple, you must send off the other also, however excellent as a teacher he or she may be. You cannot buy in the best and cheapest market, but must buy matrimony, or

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brother-and-sisterhood, into the bargain, or have an agreement that the incoming teacher shall marry the tenant in possession, as I have seen done. One would think, from the system of male and female schoolrooms in the country, that it was both law and custom that no schoolmaster should marry any girl but a schoolmistress, and that there must be a gala day in each year when the training-school students, who had taken their certificates, should meet, and choose husbands and wives for themselves. I would cut the knot at once by having the two schools in two different houses,—the master in one, the mistress, at a respectable distance, in the other. Let them marry if they like, but that should not be essential.

There is only one other suggestion which I have to offer. It is—that, even with reference to these young children, we do not think of, and use sufficiently, *self*-education. This important agent, I conceive, could be turned to some account in our elementary schools in helping children to teach themselves *to read*. The means are simple. There should be, as the Americans have, a library in connexion with each school, and in this library there should be good, amusing story-books, such as children could really enjoy. Curiosity has been justly called the appetite of the mind. Story-books are the milk-food and sweets which excite the intellectual appetite of children. Many a child has taught himself to read from Defoe's "Robinson Crusoe." Gulliver, duly expurgated, is refreshing to little people; and who does not look back with pleasure on their nursery rhymes and tales—even "Tom Thumb" and "Jack the Giant-killer"? In our days there are wiser books, and no lack of such as are both of an instructive and amusing kind, such as Mayne Reid's and Ballantyne's works. But poor children see little of such books. A library of this kind could be got up without much expense, and would, I am sure, be of no small assistance to the master in making the children *perfect* in the art of reading. I can see no reason why some simple books of travels might not be included in such a library, and books of history, too. It is known that it is no easy thing to teach children history in schools where children of several denominations are mixed together. It is almost as difficult to teach English history as religion; and no wonder, for that history is the record of our fiercest religious conflicts, and it is not easy to refer to them without exciting some of the old feelings. The National Board here have thought of writing an English and Irish history. If they do, it must be duly expurgated, and no opinions expressed as to the characters and actions of the men who took part in the various religious struggles which constitute that history. It must not be supposed that this difficulty arises alone from the fact of Protestants and Roman Catholics being together in the school. In a degree there would be a similar difficulty in teaching English history to a mixed school of Church children, Presbyterians, and Independents. The conflicts of Cavaliers and Roundheads, the Solemn League and Covenant, the death of Charles, the expulsion of the Bishops from the Scottish kirks, are points which could only be touched with

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tenderness in even such a school. The difficulty, then, is not confined to the reigns of the Tudor Mary and of Orange William, but is met everywhere. Much of this difficulty could be removed by having English histories of various kinds in the library, while the bare facts only were taught in the school.

I have now laid my views on this part of my subject before this Section. I do so with much diffidence, knowing that it is no easy thing for a person to be a judge himself of the value of his own thoughts and conclusions. I submit them for what they are worth and no more. They are the conclusions of one practically dealing with a practical question, and anxious to make the best arrangement in a large parish for the rapid education of an intelligent and interesting population.

But it is impossible that I can conclude a paper, bearing chiefly on Irish education, without saying something about that system which has been established under the Irish National Board. It is evident that, whatever private efforts may effect in favoured localities, it is only by Parliamentary aid suggestions, such as I have here offered, or others more useful, can be *permanently* and *generally* carried out. The National System has been assailed by the two extreme parties of this country, led by a majority of the clergy of the Established Church on the one hand, and by the Roman Catholic priesthood on the other. The opposition has no doubt proceeded from good intentions; but good intentions are no security for prudent counsel and wise action. The difficulty felt lies in the religious question; and that difficulty must in some way be removed before Irish education will make the progress of which it is capable. For this reason, I shall say something about this religious difficulty. There is a feeling very generally prevalent that religious education should *pari passû* accompany secular instruction, or that, as it is expressed in the oft-repeated formula, "education should be based on the Word of God." To this, as an abstract proposition, I heartily assent. But when we descend to practice, and in a *free* country take the principle of liberty into account, there doubts, difficulties, and divisions immediately spring up. We must state distinctly what we mean, and explain what basing education on God's Word is. If we neglect to do so, the result will be that we shall involve ourselves in endless logomachies, and indulge in empty claptrap. The Roman Catholic agrees with the Protestant that education should be based on God's Word; but his God's Word is different from the God's Word of the Protestant. If by God's Word be meant the Bible, and Protestants demand that they should have power to force Roman Catholics to read it without the interpretation of their Church, then the principle of liberty resists, and in that sense the education of a nation cannot practically be based on the Word of God; and the only true solution of the question is for Government to give good *secular* instruction to all, and yet at the same time afford facilities for children to receive such religious education as their parents can approve of. Now this is what is done under the Irish National System.

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Speaking in this Section as a clergyman of the Established Church, rector of a parish in Fermanagh, twenty miles in length, I state it as a *fact*, that in the national schools of that parish, under the Rev. Walter Young and myself, Scriptural instruction can be given to Protestant children, and even to Roman Catholics if they choose it, as excellent in quality, and copious in quantity, as in any schools in the United Kingdom. In these national schools an hour's Scriptural instruction is given daily to at least all the Protestant children; and the result is, that they are able to compete in Scriptural knowledge with any children in the county, and their conduct is as moral and their character as religious.

But, in opposition to this, it has been said by those who now at last admit that this Scriptural instruction can be given, that if, during the hours of *secular* instruction, a child tells a lie or steals, you cannot "rebuke, exhort, and instruct" him out of Scripture during these secular hours, as to the wickedness of these sins. It has also been asserted that the teacher cannot, during these same hours, even name the name of *Jesus Christ*. It is of great importance that the members of the Association should know exact facts as to these two questions. As to naming the name of Jesus during secular hours, I need only refer you to the first book of lessons —that used by the infant class, from which the child acquires its first knowledge of reading. The last lesson in that book proceeds thus:—"It was God that made me first;—it was He who sent Christ to save me." In the general lesson, which is hung up in all national schools and ordered by the Board to be taught to *all* the children, Jesus Christ is mentioned *five* times—as, for instance, "Our Saviour Christ commanded His disciples to love one another;" and again, "Jesus Christ did not intend His religion to be forced on men by violent means." With such facts to appeal to, it is rather ridiculous to assert that the name of Jesus Christ cannot be uttered in an Irish national school. As to the other assertion, that the liar or thief cannot be rebuked out of Scripture, I must direct the attention of the Section to a card board which is hung up in all national schools, and is entitled "Practical Directions for the Teachers of National Schools." In the *eighth* of these rules it is said, "The teacher must omit no opportunity of inculcating the principles of *Truth* and *Honesty*." Now here is a rule investing the teacher with a power strictly of a *discretionary* kind. He must "*omit* no *opportunity*;" that is, he must use every opportunity to rebuke and instruct the liar and the thief even during secular hours. The only question is, whether there is any limitation imposed on this discretionary power. There is one: he must not make any observation which would tend to the proselytism, or would be an attack on the religious belief, of any child present. This is the only limitation; for to attack the faith of, or to proselytize, any child present would be a violation of the fundamental principle of the system. But outside this boundary he is free to make any observation he pleases. He may refer to the words of the Eighth Commandment

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hanging up in the school, and say, "Thou shalt not steal." To anything contained in the Scripture extracts, or ordinary lesson books, and even to any passage of Scripture not bearing on any controverted topic, such as "Lying lips are an abomination to the Lord," he may also refer. Frivolous objections have been made as to whether the teacher should call the commandments which forbid these sins the eighth and ninth, or the seventh and eighth; but it is clear that, however necessary such a question may be to settle a point disputed between the two Churches, it can be of no use for the purpose of rebuking the liar and thief.

For that purpose it is sufficient that the words are God's, and that the teacher can appeal to them. As to Scripture itself, I feel confident that, on the occasion of a child telling a lie, for instance, in my school, I could stand up and make any speech I thought proper, drawing my words occasionally from Scripture itself if advisable, provided I avoided an attack, either covert or open, on the religion of any child present. And I also feel confident that not a single Roman Catholic parent would ever object to my doing so. As to correcting a child in school for a moral fault, I shall state my own practice. If he be a Roman Catholic, instead of quoting texts calculated to excite his prejudices, and, for that very reason, to prevent the success of my endeavours, I call him aside, and in a friendly way, and with some sympathy, point out to him the impropriety of his conduct. In this way a far deeper and more beneficial impression is produced than by crowds of texts which could be heaped on him. If the offender is a Protestant, I act in a similar manner, and then afterwards, if I think it necessary, make the offence the subject of a gallery lesson, as recommended by David Stowe in his book on the training system, during the hour of religious instruction, when he is among those of his own religion. These are the two methods I usually adopt; though when occasion requires, I hesitate not to address all the children at the time of the offence. No difficulty is ever experienced, and no objection ever made.

Recommendations respecting Primary Instruction, and the better Application of Educational Charities. Selected from the Report of the Royal Commission on Popular Education. By James Heywood, M.A., F.R.S.

The Royal Commission consisted of the Duke of Newcastle; the Right Hon. Sir John Coleridge, Knt.; the Rev. W. C. Lake, M.A.; the Rev. W. Rogers, M.A.; Prof. Goldwin Smith, M.A.; N. W. Senior, Esq., M.A.; and Edward Miall, Esq., late M.P. They received their appointment on the 30th of June, 1858, and presented their Report to the Queen early in 1861.

Important educational inquiries were conducted by the Commis-

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sioners, as well as by twelve Assistant Commissioners, ten of whom had been appointed to examine minutely the condition of different portions of England and Wales with respect to education. The districts chosen included two agricultural, two manufacturing, two mining, two maritime, and two metropolitan; and each district comprised a limited number of Poor-Law Unions, so as to facilitate a comparison with the census of 1851, which had been based upon the Poor-Law Union division of the country. Two Assistant Commissioners were deputed to inquire into the state of education in France, Switzerland, Holland, and Germany.

The Royal Commissioners consider it unfair to exclude teachers in private elementary schools from a share in the assistance given by the State to education, if such teachers can prove that they have produced certain results specified by the State. It is therefore recommended by the Commission that private teachers be admitted to a share in the public assistance, subject to the condition that the school under their management shall be perfectly ventilated and drained, and shall afford accommodation at the rate of eight square feet at least for every child in attendance, and that it be open to inspection, and be not reported on unfavourably by the inspector.

Parents often prefer private schools, because they think that the pupils are more respectable; that the teachers are more inclined to comply with their wishes; that the children are better cared for; and that they themselves in choosing such schools for their children stand in an independent position, and are not accepting a favour from their social superiors.

The Royal Commissioners advise that teachers should be allowed to obtain certificates of competence to teach, analogous to a University degree; and with a view to promote this object, they recommend that the examinations for certificates of teachers be thrown open to all persons who have kept a private elementary school for three consecutive years, and who can produce satisfactory testimonials as to their moral character from ministers of religion or magistrates who have known them during that period. The character of private schools and teachers would thus be raised, and their calling would obtain an impress of permanence and respectability.

Numerous training colleges for the education of teachers in different parts of England and Wales have been established during the last twenty-five years; in these institutions the total average number of students in the year 1858 was as follows:—

	Students.
Colleges for Males	752
Colleges for Females	818
Colleges for Males and Females	496
	2,066

Special qualifications, and, therefore a special education, are

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required for the office of mistresses of infant schools. At present, there is but one college that specially trains them—that of the Home and Colonial Society, and it trains a number utterly inadequate even to the existing demand. The difficulties produced by differences of religious belief can hardly arise in respect of such infant schools as form independent establishments: it is scarcely conceivable that the instruction of children under seven years of age should ever be dogmatical. The power of understanding the peculiarities of doctrine which separate Churches and sects is not developed till a much later period.

The Commissioners earnestly recommend that the Committee of Council devote its attention, and give its powerful aid, to the supply of additional training colleges for the education of infant school mistresses. One mode would be, to recommend that, in every training college for females, a portion of time be devoted to the training of mistresses in the management of infant schools. Another would be, to turn some of the training-colleges for males into training-colleges for infant school mistresses.

Evening schools are, in the opinion of the Commissioners, capable of being made to perform an important part in national education. They are, however, not recognised by the Privy Council unless connected with day schools, and this rule excludes the numerous evening schools connected with mechanics' institutes, literary institutions, and other societies for mutual instruction, which are spreading over our manufacturing districts.

BETTER APPLICATION OF EDUCATIONAL AND OTHER CHARITIES.

The Commissioners recommend that instruction given in endowed schools should be adapted to the requirements of the class to which it ought to be imparted.

The income of endowed schools should be distributed in a better manner between the several objects of the foundation.

Part of the capital fund should be employed, where necessary, in the improvement of the school premises.

The Royal Commissioners advise that the Charity Commission be converted into a department of the Privy Council, so that the Committee of Council on Education should become the Committee of Council on Education and Charities, with the power of making ordinances for the improvement of general as well as educational charities, and for the conversion to the purposes of education, wholly or in part, of charities which are mischievous or useless as at present applied; such ordinances subsequently to be laid before the local trustees, who may appeal to the Privy Council, and the regulations which are confirmed on appeal may be sanctioned by Parliament.

All endowed schools now subject to inspection by the Charity Commission should become subject to inspection by the Committee of Council on Education and Charities, and middle and elementary schools be visited and examined by the Committee of Council's inspectors.

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Gratitude is due to the Royal Commissioners on Popular Education for their clear enunciation of the important principle with reference to charities, that "the power to create permanent institutions is granted, and can be granted, only on the condition implied, if not declared, that they be subject to such modification as every succeeding generation of men shall find requisite. This principle has been acted on ever since the Reformation, but it has never been distinctively expressed."

For the administration of endowed schools, a central authority, possessing the power of initiation, appears to the Royal Commission on Popular Education to be requisite; but it is still more necessary, according to their view, for the purpose of *improving* any educational charity.

Mr. Cumin, the Assistant Commissioner appointed by the Royal Commission to inquire into such charities as may be applicable to educational purposes, states, that the Charity Commissioners seem to admit that they have not time sufficient to devote to educational questions. When they examine a school, they generally do it through the Government inspector. Mr. Cumin recommends that one of the Charity Commissioners should be an Education Commissioner, appointed specifically for that purpose, and that no new education scheme should be passed by the Charity Commissioners until it has obtained the sanction of the Vice-President of the Committee of Council on Education.

When the Legislature takes in hand the reformation of charities, Mr. Senior, one of the Royal Commissioners, trusts that it will abandon the doctrines of *Cy-près*. National property in charities, of which the Legislature is trustee, should be applied to the purpose of education, by which the nation will be most effectually benefited.

The jurisdiction over educational charities and charitable foundations left in general terms for the good of the poor, should be transferred from the Court of Chancery to the Education Committee of the Privy Council, and according to a suggestion of Mr. Chadwick the visitorial functions over such charities should be exercised without charge to the local foundation.

Remarks on the Education Commissioners' Plan for rendering Assistance to the Schools of the Independent Poor. By the REV. NASH STEPHENSON, M.A., *Incumbent of Shirley, near Birmingham; Educational Secretary of the Association; and Secretary to the Educational Board for the Archdeaconry of Coventry.*

THE Royal Commission appointed to inquire into the state of popular education in England, and to consider and report what measures, if any, were required for the extension of sound and cheap elementary instruction for the poorer classes, was appointed in June, 1858. It was not, however, until March, 1861, that the Report of

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the Commission, which, with the Reports of the Assistant Commissioners and the evidence of witnesses taken before the Commissioners, is contained in five bulky octavo volumes, was placed before Parliament.

The need for this searching and extensive inquiry was created by a variety and a succession of events. In the first place, the rapid and enormous increase in the national subsidy for education had with reason, and for some years, awakened the jealousy and arrested the attention of the successive Chancellors of the Exchequer. The grant of £30,000, voted in 1839, had risen to £723,115, (the vote of last year,) and still indicated every symptom and certainty of an upward tendency. Then again, the administrative functions of the Committee of Council on Education, attendant on the outlay of so large a sum, became so complicated, that further extension of the system to any considerable degree was rendered impracticable. Thirdly, the pecuniary requirements of managers prior to the reception of State assistance were so stringent, that the rural parishes and poverty-stricken districts of the country were excluded from any portion of the public grant. Fourthly, the limited number of certificated teachers, the number being 7,711, and the fact that the present system dealt with something like 1,000,000 of children, leaving 1,300,000 unassisted and uncared-for, proved that half the work of national education only had been attempted, and that the hope of accomplishing the remaining half could hardly be said to be at present "looming in the distance."

But in addition to the acknowledgment of the difficulties already alluded to, the Commissioners pointed out as serious existing evils in the elementary schools that the lower classes were mostly neglected by the teachers, (and the children of the labouring poor rarely rise above these classes;) that neither reading, writing, or arithmetic were taught so efficiently in this portion of the school as to be of practical service in after life; and that the education given was too ambitious and too superficial in its character, and too exclusively adapted to the elder scholars, to the neglect of the young.

With a view of remedying these defects; of lessening the grant from the State fund, of assisting the poorer no less than the richer districts throughout the country, of diminishing the business of the central office, and of securing throughout the schools which may be assisted a greater degree of elementary knowledge than is acquired at present, the Commissioners recommend extensive alterations and additions to the present system, of which the following were to form the leading features:—

All assistance given to the maintenance of schools to be reduced to grants of two kinds: the one to be defrayed out of the general taxation of the country; the other out of the county rates. (Pp. 328—30.)

GRANT FROM THE STATE FUND.

In schools where certificated teachers are employed, capitation grants to be given by Her Majesty's inspector on the average attendance,

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varying from 4*s.* 6*d.* to 6*s.*, according to the numbers and general proficiency of the school; and an additional grant of 2*s.* 6*d.* a child on the average number of children under the instruction of pupil-teachers.

GRANT FROM THE COUNTY RATE.

The managers of every school, which shall have been certified by the inspector to be well ventilated and healthy, to be entitled to a sum varying from 22*s.* 6*d.* to 21*s.* for every child who has attended 140 days in the year, and can pass an examination in reading, writing, and arithmetic; and, if a girl, an examination in plain needlework. In the case of children under seven years of age, no examination is required, but a grant of 20*s.* is to be paid on the average number in attendance.

The examiners are to be certificated masters of seven years' standing.

The two grants from the State Fund and County Rate are not to exceed the fees and subscriptions, or 15*s.* *per child on the average attendance.*

Such is a broad outline of the most marked features of the proposed plan so far as it relates to schools for the independent poor. Its merits are considerable. The capitation grant to certificated teachers from the State Fund, which is awarded by Her Majesty's inspector, and is graduated according to the general proficiency of the school, is an incentive to teachers to obtain a certificate, and, having obtained it, to use their utmost diligence and skill in advancing their scholars. Then the capitation grant, awarded by the county examiners, excludes no class of schools for the poor, and, to a considerable degree, secures from the teachers equal attention for all who are taught, and apportions the reward in proportion to the results produced. The plan is comprehensive as a whole, and is not obnoxious, as is the Government system, to the charges of meddling interference or of vexatious restrictions. It neither, for example, vainly attempts to regulate the conditions of stipend between the managers and the teachers, nor does it prescribe a boarded floor as the inevitable precedent of a public grant.

But while these advantages would result from the adoption of the recommendations of the Commissioners, it must also be stated that their proposals are open to serious, and, I believe, fatal objections.

I. It is a truth that may be grieved over, but not gainsaid, that in proportion to the weight of the purse which an examiner carries and his ability to disburse its contents, will be the influence which he possesses and the tone and turn he will be enabled to give to the teaching of the school. But while the certificated master, who is county examiner, is enabled to grant 22*s.* 6*d.*, the clergyman, who is Her Majesty's inspector, is limited to 6*s.*, and, where pupil-teachers are employed, to an additional 2*s.* 6*d.* It is clear, then, that the influence of Her Majesty's inspector will be impaired, and his judgment become comparatively uninfluential, and that the advantages of

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inspection by qualified inspectors selected by Government, so highly extolled by the Commissioners, must gradually be lessened and destroyed.

II. The Commissioners rightly assert that the inspectors "should be fitted by previous training and social position to communicate and associate upon terms of equality with the managers of schools and the clergy of different denominations," and that, therefore, schoolmasters are not fit for the office of inspectors. (P. 160.) How, then, it may be asked, will the schoolmaster be qualified to act as an examiner when he will be brought into quite as close relationship with clergy and managers as Her Majesty's inspector, and will have to express an opinion on individual children, which will be much more liable to cavil and dispute, seeing that it carries with it a pecuniary value, than the general opinion of Her Majesty's inspector, which, practically speaking, does not in the average of two per cent. effect the amount claimed by the managers as due?

III. Allowing three examiners for every county in England and Wales, there would be 156. As the grant from the county rates to a school will depend on the result of the *vivâ-voce* examination by these examiners, in what conceivable way can a uniform standard of examination be adopted by so large a body? Granting arithmetic to be a science, to which an exact test could be applied, the points of excellency in reading and writing are mere matters of taste. *Quot homines tot sententiæ.* The unhappy masters, in quest of success, will be at their wit's end to know, in their several districts, whether in writing they shall adopt the decorated, the red tape, the Italian, or the Palmerstonian style; and so in reading, whether their scholars shall affect the rabid eloquence of the stump orator, or the histrionic ravings of Richardson's booth, or the slipshod declamation of parliamentary speakers. There remains for them this solace. The temptation of Her Majesty's inspector lies in the direction of leniency rather than severe requirement. Is this not much more likely to be the case with men of inferior position in the performance of a more delicate and difficult task? What examiner would care to be universally detested, especially when he gains nothing for his pains? Would it not, in the course of a few years, come to pass, as happened with the capitation grant and the stipends held out to pupil-teachers and certificated teachers, that the gratuities, conditionally granted on annual examination, will eventually become unconditional and universal?

IV. Scholars under seven years of age are not to be examined, but a grant of 20*s*., out of the county rate, is to be paid for the average daily attendance of such children. In populous towns it is not unusual for women during the day to care for the infants of mothers employed in workshops and factories. In such cases of dry nurse, and in all cases where infants' schools are established, public or private, whether the scholars are taught much or little or nothing, so that they are provided with air and space, the county will have to supply a grant of £1 per head.

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V. The Commissioners propose that managers shall be paid 2*s.* 6*d.* for every thirty children in average attendance on each pupil-teacher, or, in other words, that they shall annually receive £3 15*s.* towards the pupil-teacher's stipend. The average yearly payment of a pupil-teacher is £15. The Commissioners, therefore, propose to strike off £11 5*s.* from the salary. The present allowance of pupil-teachers is in the proportion of one to every fifty scholars in boys' schools, and forty scholars in girls' schools. The addition, therefore, to the number of pupil-teachers will be very considerable. But, as the training colleges are neither to be multiplied, or rendered available for more Queen's Scholars, the prospect of obtaining a Queen's Scholarship, the main inducement to become a pupil-teacher, is most considerably diminished. In summing up their judgment, the Commissioners proclaim the excellency of the pupil-teachership plan, and assert that it constitutes the most successful feature of the present system, and that its action on the scholars is eminently beneficial. (Pp. 106, 166, 346.) They accordingly propose measures for the increase of the numbers, while, at the same time, they diminish the salary by three-fourths and lessen most materially the hope of securing the Queen's Scholarship.

VI. The present staff of certificated teachers, from the commencement of their five years' apprenticeship as pupil-teachers, and during their two years' residence in the training college, were annually furnished with a copy of the "Augmentation Broad Sheet," in which they were distinctly informed that their "lordships would grant, *in aid of the stipend* of every schoolmaster and schoolmistress appointed to a school under their inspection, annual sums, according to the conditions set forth in the subjoined table," those sums varying, according to the class of certificate gained and the inspector's report of the school, from £6 13*s.* 4*d.* to £30. In an appended note it stated that these augmentation grants "belong exclusively to the teachers, not to the general funds of the school." In strange disregard of this compact, the Commissioners propose that certificates shall henceforth bear no money value, but be a testimonial of conduct and ability, (p. 148 ;) and assert that the present augmentation of the teacher's salary is "an arrangement between the State and the managers, not between the State and the teachers, and that it is for the benefit of the school, not for the benefit of the teacher." (P. 149.)

VII. The amount of public assistance to be given to popular education is estimated at £1,058,400. The Commissioners recommend that £630,000 of this sum shall be granted out of the Consolidated Fund, and £428,400 out of the county and borough rates. (P. 346.) At first sight, this would appear to be an innocent attempt to induce the public to give through two channels an amount which they would be unwilling to contribute through one. But the area of assessment in these two cases is neither identical or equal; for while the Consolidated Fund is assessed on an annual value of *five hundred and fifty millions*, the borough and county rates are assessed on an annual value of *eighty-six millions*. The result would

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be the transference of two-fifths of what should form a general burthen, on to property which forms but one-sixth of the taxable area of the country, without conferring any local administrative power beyond the illusive one of appointing certificated masters as examiners, over whom, when appointed, there would exist no real control or authority.

VIII. The teachers of all schools, hitherto aided by the State, are appointed by the managing committee of some religious community, and are under their immediate supervision and control. Prior to their appointment the teachers have been carefully watched over for years, and have undergone an examination which proves that they possess the knowledge of what they are to profess to teach. With the view of supplying the wants of the poorest, the schools are purposely carried on at a loss; and, in the laying out of the building and the purchase of the fixtures and appliances, the facilities for the promotion of education are alone studied, and the subject of pecuniary profit forms no element in the enterprise. There is, therefore, every attainable guarantee for the fitness of the building and its belongings, for the attainments and character of the teacher, and for his being an educator as well as an instructor of youth. It is recommended by the Education Commissioners, that teachers of private adventure schools should obtain a share in the public grants. (Pp. 96, 166.) Without examination, or character, or the moral restraints of supervision, or the knowledge or teaching of aught save reading, writing, and arithmetic, or with the view of any object except that of making money, a man would be entitled to claim a grant of a sovereign out of the county rates for each of the children in his school, even those of parents quite capable of caring for themselves, who might be enabled to pass the examination in the three elementary subjects.

IX. The principal financial difficulty with which the Committee of Council has had to contend has been the inability to render assistance to the poor and rural districts. (P. 315.) I proved in evidence before the Commissioners, (vol. I. pp. 285, 318; vol. V. p. 412, 414,) that if we look at the average of all parishes with populations over 600 that are under inspection, we shall find it to be one in 2·97, and if we look at the average of all parishes under 600, we shall find it only to reach one in 26·44. The fact is that, under the present arrangement, in parishes over 600 the Government system has obtained in well-nigh a moiety of the schools, and in parishes under 600 it has broken down and utterly failed. The reason is obvious. The teacher's stipend, which is the principal item of expenditure, is in large schools and small schools nearly the same. But in a large school, the subscriptions and school pence render the school nearly self-supporting, while in a small school these sources of income are inconsiderable; and, not meeting the pecuniary requirements of the Committee of Council, render the employment of a certificated teacher, and, therefore, the receipt of State assistance, impossible. The problem, therefore, which the Commissioners had to solve was the plan by

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which small schools might be touched and assisted, and large schools, at any rate, kept down to their present measure of relief. The payments proposed to be made, which are not to exceed 15*s.* per child, are to be based on an examination. Which class of schools is likely to obtain the largest proportion of that grant? Will it be the rural schools with their untrained and uncertificated teachers, or the town schools with their trained staff of certificated teachers and pupil-teachers? Where certificated teachers are employed the practical result will be actually the reverse of what the Commissioners intend, comparing the present system with that which is to supersede it, and the large schools will receive even more than they now do, while the small schools will be placed in a worse condition. I append balance-sheets of schools of various proportions, whence it will be seen that, in a school of 180 children, the managers will gain £16 by proposed plan; in a school of 160 they will gain £3 10*s.*, but in a school of 80 they will lose £12 10*s.*; in a school of 60 they will lose £5 10*s.*; and in a school of 30, they will lose £3 10*s.*; and be compelled, moreover, to maintain a pupil-teacher. Such is the plan proposed by the Commissioners for the relief of small schools! *

X. The salary paid to the teacher consumes from thirteen to sixteen-twentieths of the whole income of a school. (P. 63.) It must therefore follow, that the cost of maintaining a boys' school must be as much in excess of the cost of maintaining a girls' school as the market difference shall be between the skilled labour of the male and the female; and that, as this item of expenditure forms nearly four-fifths of the whole, a larger grant should be awarded, *cæteris paribus*, to the master than to the mistress. Acting on this principle, the Committee of Council award one-third larger gratuity towards the stipend of the certificated master than the certificated mistress. The average salary from all sources of the certificated master is £94; of the certificated mistress, £62; of the uncertificated master, £62; of the uncertificated mistress, £34. (P. 64.) In forgetfulness or in disregard of this most important difference, the Commissioners propose one uniform rate to be paid to the managers of boys' and of girls' schools, or, in other words, discourage as much as possible the employment of masters. If it be urged, in reply, that the managers of boys' and girls' schools are the same parties, and that, as the public grants will be paid to them in one sum to deal with as they think best, they can pay over to the boys' the surplus which may arise in the girls' school, it must be rejoined that the mistress of the girls' school will have just cause of complaint in the alienation of any portion of the funds earned by and awarded to her department; and that in numberless instances, especially in towns and in British and non-denominational schools, the establishments of boys' and girls' schools are separate and the funds are kept quite distinct.

XI. The Commissioners in the most emphatic terms assert that a religious education is the only one which is practicable in the present

* See Appendix A.

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state of religious feeling in England. (Pp. 310, 343.) So long as the Commissioners' scheme travels along with the present system it is religious. From the very point of divergence it is simply and purely secular. Under the operation of the existing system, religious knowledge forms the leading subject on which Her Majesty's inspector grounds his judgment of the relative merits of a Church of England school, and of its having attained the standard which shall qualify it for the payment of the grant claimed. In the schools of nonconformists, although there is no examination in religious knowledge by the inspector, the managers are bound to certify that they are satisfied with the standard which has been attained. The Commissioners propose to leave this portion of the present system untouched, limiting the visits of Her Majesty's inspectors to schools where certificated teachers are employed. In the case of all other schools applying for public assistance, the Commissioners propose that examiners shall only inquire into the secular instruction given to the children, and that according to the result of such secular examination, and without the slightest guarantee as to the moral or religious instruction or character of the teacher, shall be the proportion of public money which shall be awarded to each school. In Church schools there are 5,065 certificated teachers employed; and there are in England about 16,000 parishes, in many or most of which there exist two schools. The former number, then, only will henceforth be examined in religious knowledge, and so many schools of the remainder as may hereafter obtain relief from public sources will discover that, whatever may have been the intention of the Commissioners, the marketable value of secular knowledge is everything, and of religious knowledge nil, and that the school which teaches it least will have most time to devote to subjects which will tell in producing pecuniary results. In fact, the more secular the instruction, the larger will be the grant. Secular schools are now excluded from any share of the educational grant. Henceforth, should the recommendations be carried out, they would be entitled to their proportion of every public grant. The Commissioners are beyond all doubt convinced that the great body of the population are determined that religion and education must be closely connected. (P. 311.) For this reason they may feel equally assured that they have made shipwreck of their own plan.

I have now brought to a conclusion the observations which I would offer on the recommendations of the Commissioners so far as they relate to the schools of the independent poor. I fear that, in my remarks, I have had more occasion to blame than praise. I am bound, however, to state, that in the adoption of the Commissioners' proposals the salutary influence of Her Majesty's inspectors will be most materially lessened; that the employment of pupil-teachers will, for pecuniary considerations, be rendered impossible; that the landed property of the country will be burdened with an unjust proportion of the educational rate; that the certificated teachers will be deprived of the money value of their hard-earned certificates, contrary to the express agreement made with them by the Committee of

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Council; that the rural schools will, in the isolated cases of employing certificated teachers, be in a worse condition than under existing regulations, and under no circumstances will they obtain efficient relief; that the whole standard of national education must be lowered and limited eventually to the teaching of the three rudimentary subjects; that the religious element of education, by far the most important, will be altogether banished from the national curriculum of instruction; and that for these fundamental errors the Commissioners' recommendations ought not to be accepted.

The length to which my remarks have already extended precludes the explanation of the principles upon which I would propose alterations and additions to the present system. I must, therefore, limit myself to a bare repetition of the remedial measures which I have already brought under the notice of the Education Commissioners. (Vol. v. pp. 421, 422.)

I. The withdrawal of the restriction of the period mentioned in the original code (Art. 143—146) during which the grant shall be given in a rural school to the same student teacher.

II. The withdrawal of that portion of Article 100 of the original code restraining teachers under thirty-five years of age from passing the examination for registration, and the permitting of all teachers of elementary national schools to be examined who shall have held a school of this character for the space of three years, and shall have challenged inspection and obtained a favourable report from Her Majesty's inspector.

With a view of not overrunning the demand, a certain number only might annually be admitted,* and, at the expiration of ten years, the rule might be withdrawn.

III. The employment, as teachers, of pupil-teachers who have passed their fourth or fifth examination, provided that they have attained the age of eighteen, or of teachers of unions who are rated at first-class of competency.

The same limitations as to numbers, &c., might be insisted on as in case II.

In schools where registered teachers, or teachers enumerated in I., are employed, a pupil-teacher should be granted for every twenty-five children in average attendance.

In schools where teachers enumerated in II. and III. are employed, a yearly gratuity of £10 might be given and the usual capitation grant.

In order to increase the teaching power, a small grant of £4 or £5 per annum might be made to stipendiary monitors under certain conditions of age, character, and qualification, and in proportion to

* There are 7,711 certificated teachers. But there are 22,647 schools in separate departments, supported by religious denominations. (Ed. Com. Report, p. 30.) It is, then, clear that if certificated teachers only are to be employed, there will be 14,936 schools, or nearly two-thirds, which will be permanently excluded from all grants; and this vast majority will mostly include the rural and poverty-stricken parishes which offer the lowest salaries.

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the number of scholars in attendance in schools where there were no pupil-teachers.

In all cases the school might be defined as a rural school not containing more than 750 square feet of superficial area in its school-rooms and class-rooms, or which can be certified as not needing nor likely to be attended by more than seventy scholars.

To these suggestions I would only further desire to add, that an increase in the number of assistant inspectors would enable the Committee of Council to require a thorough examination, not a cursory inspection, of the schools under their control,* and that the withdrawal of all pecuniary conditions between masters and managers would tend greatly to simplify the accounts, and diminish the correspondence and business of the office.

Although I have ventured to call in question the soundness of the remedies proposed by the Education Commissioners, which appear more likely to kill than cure the patient whose case they have taken in hand, I would desire respectfully to thank them for their admirable diagnosis of the present system, its merits and defects, and to acknowledge that a debt of gratitude is owing to them by the nation at large for the judicial impartiality, the comprehensiveness, the discernment, and the lucid ability, which so eminently characterize their exhaustive report.

Appendix A.

Comparative Balance-Sheets of Schools under the present Regulations and under the proposed Plan of the Education Commissioners.

Case I.—Average number of children in attendance, 180.

	£	s.	d.	£	s.	d.
Amount receivable under proposed plan from Government and county rates, at 15*s.* per head				135	0	0
Amount now received:						
Master's certificate (II. Div. 2 class)	21	10	0			
Master's gratuity for four pupil-teachers	15	0	0			
Four pupil-teachers' salaries, at £15 each	60	0	0			
Capitation on 90, (or half average attendance,) at 5*s.* per head ...	22	10	0			
				119	0	0
Balance in favour of proposed plan ...				£16	0	0

* An assistant inspector *inspects* annually about 280 departments. The average salary is about £300: his travelling expenses, £96. He has £250 for personal expenses. Total cost, £646. Cost for inspection of each department, £2 6*s.*

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CASE II.—Average attendance, 160.

	£	s.	d.	£	s.	d.
Amount receivable under proposed plan				120	0	0
Under present system:						
Master's certificate	21	10	0			
Gratuity for four pupil-teachers ...	15	0	0			
Four pupil-teachers' salaries ...	60	0	0			
Capitation money on 80, at 5*s.* ...	20	0	0			
				116	10	0
Balance in favour of proposed plan ...				£3	10	0

CASE III.—Average attendance, 80.

	£	s.	d.	£	s.	d.
Under present system:						
Master's certificate	21	10	0			
Gratuity for two pupil-teachers ...	9	0	0			
Capitation money on 40, at 6*s.* ...	12	0	0			
Two pupil-teachers' salaries ...	30	0	0			
				72	10	0
Under proposed plan, at 15*s.* per head				*60	0	0
Balance in favour of present plan ...				£12	10	0

CASE IV.—Average attendance, 60.

	£	s.	d.	£	s.	d.
Under present system:						
Master's certificate	21	10	0			
Gratuity for one pupil-teacher ...	5	0	0			
Capitation money on 30, at 6*s.* ...	9	0	0			
One pupil-teacher's salary... ...	15	0	0			
				50	10	0
Under proposed plan, at 15*s.* per head ...				45	0	0
Loss by proposed plan				£5	10	0

* The £60 would be thus made up:—

	£	s.	d.
Eighty children at 5*s.* per head	20	0	0
Sixty " 2*s.* 6*d.*, under pupil-teacher ...	7	10	0
In all from Government	27	10	0
Leaving to be made up from rates	32	10	0
	£60	0	0

which £32 10*s.* would be gained by 29 boys; so that about one-third of the school would have to pass the examination in the other elementary subjects, including such as were under seven years of age, who would not be examined.

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CASE V.—Average attendance, 30.

	£	s.	d.	£	s.	d.
Under present system:						
Master's certificate	21	10	0			
Capitation money on 15, at 6*s.* per head	4	10	0			
				26	0	0
Proposed plan, at 15*s.* per head	...		...	22	10	0
Loss by proposed plan...				£3	10	0

The managers would also have to keep and pay a pupil-teacher.

As the balance must depend on the percentage passing the examination, the above balance-sheets cannot bring out the exact figures. If it be stated that masters of a lower certificate than II. Division, 2nd Class, may be employed it must be also borne in mind that the outside grant of 15*s.* will by no means be secured by all schools.

The Educational Position of the Established Church in Ireland. By the REV. ALEXANDER M. POLLOCK, A.M., *Trinity College, Dublin; one of the Honorary Secretaries of the Church Education Society for Ireland.*

AMONG the agencies at work in Ireland for the education of the great body of the population, the Church Education Society deserves a prominent place. This is owing to it both on account of the extent and importance of its operations, and also because of the wide-spread hold it possesses upon the regard and sympathy of the vast majority of the clergy and gentry belonging to the Established Church of the country.

For upwards of twenty-one years this Society has been carrying on its labours over all Ireland, diffusing the blessings of sound and wholesome secular instruction, and training the young in the knowledge of that learning, and the practice of those virtues, which make for their advancement in the present world; but, at the same time, endeavouring to bring them into acquaintance with, and obedience unto, those heavenly truths that lead to salvation in the world to come.

During the whole of this lengthened period, the operations of the Society have been maintained exclusively by voluntary contributions.

Its central establishment consists of the extensive Model Schools situated in Kildare Place, for male, female, and infant scholars: these are conducted by a large staff of teachers, possessing the highest capability and qualifications. There is also the Training school, second in efficiency to none in the entire kingdom, and concerning the excellence of which testimony has been borne by many of the

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best qualified judges connected with similar establishments in England. In this department candidate teachers from all parts of Ireland are received and boarded, and are instructed, previous to their being sent out to their several positions, according to the most approved methods of Educational Science. For the advancement and perfecting of these, the future conductors of the Society's schools throughout the country, no expense nor pains are spared.

The Society has also Model and Training schools on a lesser scale, but in vigorous working order, at Bandon, in the County of Cork.

As regards its operations throughout the country generally, it is enough to say that the schools in connexion with it are principally supported by their respective patrons, whether lay or clerical, though frequently aided by grants both in money and in requisites from the central Committee.

There is likewise a regular system of inspection maintained by qualified officers, partly salaried and partly voluntary, the Clergy of the various dioceses aiding generously in this important work, subject to the supervision of the respective diocesan committees.

According to the latest report, the number of pupils on the rolls of the Society amounted to 73,497; of whom 49,100 were members of the United Church of England and Ireland, 14,269 were Protestant dissenters of various denominations, and 10,128 were Roman Catholics.

The Society has in direct connexion with it 1,559 schools. But beside these there are also a great number of others in the country conducted strictly upon its principles, though not in connexion: being in some cases under the management of other voluntary societies; and in a very large number of instances, precluded (owing to the peculiar circumstances of their foundation) from being placed in union with any society whatever.

The distinctive principle of the Church Education Society is, that instruction in the Word of God shall form a necessary part of the daily exercises of all the pupils in attendance on its schools. Such pupils as belong to the Established Church, are also taught the creeds and formularies of the Church. The children belonging to other denominations are left at perfect liberty to attend these lectures, or lessons, should they desire to do so; though, at the same time, such attendance is neither requested nor required from them. They are at perfect liberty to withdraw, so soon as the class for specially Church, or denominational, instruction assembles. But in all the classes where the scholars are able to read, a portion of Holy Scripture is daily studied; and furthermore, in every school the teacher is left at perfect liberty to make direct reference to the Bible at any hour of the day, in order to enforce or illustrate his instruction or correction, should any occasion arise (for instance, a question of moral duty) to render such a reference to the grand authority desirable.

It is owing to their adhesion to this principle, that the schools of

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the Church Education Society have been precluded from a participation in the ample funds which are annually granted from the public purse for educational purposes in Ireland. On this account also it is that the Established Church of the country has so long continued to hold, at a great annual sacrifice, its painful position of disagreement with successive Governments on this all-important question. But with every returning year, and with every fresh development which has taken place of the effect of an unscriptural or a purely secular education upon a people, whether in our own or in other lands, the upholders of this extensive and costly Society have become more and more convinced that their views on the subject are just and sound; and that the true education for any people is that, and that alone, in which Divine teaching—meaning thereby instruction in the knowledge of God and of His Christ as furnished to us in His revealed Word—is made the basis of all social and moral elevation.

The present position of the Established Church in Ireland, as regards the educational working of the country, is not only distressful, but wholly anomalous. The legitimate and proper province of the Church of any country is that of being the recognised educator of the people: and while, in a free State like ours, the fullest liberty should be granted to such persons as conscientiously dissent from the form of religion established by law; and while the utmost facilities ought to be afforded to them to bring up the young of their respective communions in their own particular religious belief; yet still it must be allowed that a measure which provides that the religious scruples, or convictions, of every dissentient denomination shall receive the fullest attention, while those of the Church of the land are wholly disregarded, is scarcely capable of defence.

It is imagined by some that the foundation for the present system of education in Ireland was laid by the report of the Royal Commissioners which was presented to Parliament in the year 1812. This opinion is an error. These Commissioners found a multitude of schools in existence, and in as healthy action as the circumstances of the times allowed. They felt, however, that their number was too limited, and that the means at their command were inadequate to the wants of the country. Hence they recommended the establishment of additional and supplementary schools, in all such places as they should be required, admitting persons of all religious persuasions to partake of their advantages. But they also, and principally, recommended that the existing parochial schools should be more liberally supported, that good books should be provided for them, and that they should be made truly effective schools under the superintendence and care of the Parochial Clergy. In fact, nothing was farther from the minds of these Royal Commissioners than that the Church Schools should pass away, as they since have done, from the care, the cognizance, and the paternity of the State. A simple perusal of the report which they presented is enough to convince any impartial reader that their intention was to strengthen and not

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destroy the Church's Educational organization, while they desired at the same time to open the Educational Treasury, so that other persons not belonging to the Church, should be aided efficiently in the work of affording solid and substantial teaching to their adherents.

It has next been contended that the present system for national education in Ireland, to which the great body of the Protestants of the kingdom object, is simply the outworking of the scheme laid down by the Right Hon. Mr. Stanley (now the Earl of Derby) in his well-known letter to the Duke of Leinster, in October, 1831. This likewise is a total mistake. Since the original establishment of the existing system, not to speak of its first delineation as set forth in that remarkable state-letter, the alterations made in it, not only as respects its governmental body, but also as concerns its practical rules, the conditions upon which its patronage was made to depend, and the character of the books it issued, are so numerous and so great, that it now scarcely retains even the most remote resemblance to the type by which it was to have been modelled. It is not necessary here to enter into a detailed enumeration of these changes. Enough to say that the plan, as proposed, promised to satisfy many parties, if not all, while the outcarrying of it has since produced dissatisfaction in almost every party, and has alienated from it not a few who would have proved its most important and influential advocates. In evidence of this, the fact may be adduced that a very considerable proportion even of those who maintain their adhesion to the existing system, do so only under the protest that they have obtained privileges and exemptions peculiar to themselves. Whether such pretensions are well-founded or not, the simple fact of their being put forward as a ground of justification for joining in the National System affords abundant and conclusive evidence that the scheme is not (in itself) satisfactory, even to those who desire to take advantage of its pecuniary favours.

Thus the question is raised as to how this deeply important disagreement can be satisfactorily adjusted.

The suggestions that have been offered from time to time respecting the point at issue have been various, and not unfrequently conflicting.

The system of denominational grants has had, and still has, its advocates. But it is open to many and grave objections. The denominational grant system can never secure a national education. It is fatal to homogeneity in working. It necessarily separates class from class. It produces rivalry of an unhealthy order, together with a thousand other forms of ill feeling which are destructive of social harmony and general progress. It also legislates in this matter by the rule of numbers rather than by the rule of right. In Ireland, at least, the system of denominational grants would appear to be fraught with abundant mischief. All hope of an united education, even in secular matters, would, on the adoption of such a plan, perish for ever.

Another suggestion has from time to time been put forward. It

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owes its authorship to one of the ablest prelates the Church in Ireland has ever possessed. It may be stated thus :—(1.) That all schools receiving public aid should afford an amount of sound secular instruction according to a curriculum, or scale of proficiency, to be prescribed by Commissioners of Education acting under the authority of Government. (2.) That accurate and searching inspection be made periodically by competent inspectors (to be appointed also by Government or by the Educational Board) in order to ascertain the state and progress of such schools as should enjoy support from the State, either in whole or in part. (3.) That all Patrons or Superintendents of such schools should own themselves bound to carry out this plan faithfully as a primary condition to their receiving any public help whatever. (4.) That in order to insure its due observance, the amount of aid granted to each teacher should be made largely dependent on his working faithfully and efficiently according to the rules prescribed. (5.) Besides this, let a minimum average of pupils in attendance be agreed upon, so that the funds shall not be dissipated on small or obscure schools—such schools, by whomsoever conducted, being left dependent on local contributions, or upon general voluntary benevolence. Then (6.) let it be left free to each patron to allocate such a portion of each day as he may deem fit for the purpose of religious instruction ; let it likewise be in his power to determine the kind and nature of the instruction thus furnished, and all other arrangements relating thereto ; always providing that such instruction shall in no degree interfere with the general advantages of the school respecting secular business. This outline of the system is enough. Thus security would be obtained that in all schools supported, whether partially or entirely, by the State money a *bonâ fide* system of instruction in temporal subjects would be carried on ; while at the same time, perfect and equal freedom would be given for the exercise of each individual's conscientious convictions on the subject of religion.

I do not, nor did its right reverend originator, imagine that this plan of settlement is free from objections ; but this I do confess, that to my mind, as well as to the minds of very many others, there are fewer difficulties surrounding it than encumber any other proposal that has yet been made. It manifestly gives to the State that hold upon such schools as are maintained by public grants, as it is not only right but highly desirable it should have. Again, it protests against the public property being expended without an adequate and satisfactory remuneration in the form of work effected being received. Furthermore, it completely silences the outcry against a religion which may be objected to by any class in the community being forced upon them. In fine, while it secures that a substantial educational return shall be made for the funds voted for educational progress, the people of each locality are left altogether free to declare in what form of faith they would desire their children to be brought up.

I do not put this plan forward as the suggestion of the Church Education Society ; I have no authority for doing so. Still less do I

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adventure to express the feelings of the Church of Ireland on the subject; that were a yet higher audacity. I simply quote it, and, express my hearty concurrence with it—avowing at the same time my full persuasion that a measure of this nature would prove most acceptable to the great body of the clergy and laity of the Established Church;—it would free them from their present burdens, and enable them, as they have long desired, to co-operate with the Government in this all-important matter; thus adding greatly to the educational power of our rulers, and leaving the Church free conscientiously, to afford them every assistance that lies at its command for the general improvement of the people.

As an objection, it may be said that thus a door will be opened for the introduction of purely secular education. In answer, I affirm that we are not in the slightest danger of such a kind of education now meeting with favour in Ireland from any class or denomination. The mind of the people of this country is essentially religious. No ingenuity, and no conceivable inducements, could make our population indifferent to their faith. Let only provision be made that the general education shall be sound, sufficient, and well administered, and the religious feelings of the people will provide abundantly for the remainder.

But besides this reply, another may be given also—namely, that the facilities afforded under the existing National System of Education in Ireland for any patron who desires to banish religion altogether from his school are as perfect and complete as they could possibly be made. The Commissioners' own rule regarding non-vested schools (and these form the preponderating majority of all the national schools in the island) is, that it remains with "the patrons or managers" of such schools "to determine *whether any*, and if any, what religious instruction shall be given in the schoolroom." (§ IV. rule 9.) The schools, consequently, in all such instances may, if their conductors so please, be carried on upon avowedly anti-religious principles; the Board of Education does not insist on any religion whatever, and yet, as experience has shown, such purely secular schools are scarcely anywhere to be found in the country.

As to the question of truly combined or united education, I believe that a recent return to Parliament, brought forth on the motion of the honourable member for Youghal, has incontestibly proved that this most desirable object has not been realized in Ireland in the schools under the Board of National Education.

From this return it appears that of the 5,496 schools at present aided by the State there are 2,598 which do not make even a pretence of imparting mixed education, leaving a remainder of 2,898 schools only in which there is any union of the different creeds. But when this residue comes to be analysed, it appears that there are 478 schools in which there was only *one* Protestant in attendance, the remainder being all Roman Catholics; there were 385 schools in which the Protestants numbered only *two*, all the rest being Roman Catholic; 281 in which there were only *three;* 210 in which there were only

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four; and 164 in which they did not amount to more than *five.* Similarly in those districts where the Protestant population is in the majority, Roman Catholics very rarely receive instruction along with them. In fact, out of the 2,898 schools in which mixed education is pretended, there are not more than about 1,380 where anything deserving of the name can be found. And from these another deduction must be made. Schools in jails cannot be regarded as places where the pupils are free to act for themselves; of these there are 7. Schools in workhouses are in this respect of the same character; of these there are 139. Model Schools likewise should be deducted; of these there are 14; minor model schools, 40; agricultural schools, 14; all which amount to 218. Hence the voluntary schools in which mixed education appears to be carried on to any appreciable extent, number no more than 1,162, or about *one-fifth* of the entire. Well, then, might one of the officers of the Board confess, when examined upon this point before the Committee of the House of Lords, that the experiment had proved a failure.

But the great defect in the system, and that which the Church of Ireland longs to see remedied, is that honour is not done to that Word of Divine Truth which enfranchises the mind, gives hope to the heart, stability to all moral teaching, and fire to true patriotism. Indeed one of the most painfully striking evidences of the inefficiency of the entire plan, is furnished by the fact that the teaching of even secular history has been found an impossibility in these schools. There is no instruction given, and none can be given, as to those great events of which every subject of the British Crown ought to be so justly proud. An educational system which finds itself obliged to extrude this element completely from its curriculum of instruction, cannot be sound in its constitution, nor wholesome in its operations. But it is the natural and inevitable consequent upon the vain endeavour to achieve that which is impracticable in a community where different views on religion prevail—namely, to frame that innocuous something which will offend no party and please all. It cannot be effected: and the effort has resulted in the consequence just referred to, if no other—a consequence of which every true educationist must feel positively ashamed.

Education when rightly understood embraces the whole man; it deals with him physically, intellectually, morally, religiously. Human nature is compound; and to no one part of it can our attention be exclusively confined, or the result will be distortion, disfiguration, and disease.

Hence the self-sacrificing efforts of the Church in Ireland to support schools in which, while the general education is the very best that can be afforded with the means at command, the Bible is a free book to all who choose to enrol themselves as pupils. The conviction she has acted upon is, that the soul of the child must be cared for, not only equally with, but even prior to, its mind that thinks or its hands that labour. In her schools, therefore, she will ever maintain the principle, that instruction in Divine Truth shall go hand in

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hand with all other instruction, being assured that thus shall be best secured the healthy and vigorous development alike of mental and of moral power.

The reward of one's labour is poor indeed, if, in the attempt to obtain uniformity of action (or the semblance of it) by hopeless, unsatisfactory, and increasing concessions, the essentials of education be lost sight of, and the youth of a country be sent out to engage in the strife and in the toil of life, without sound principles to guide them, and without a God to bless them.

On the Nature and Advantages of the Non-Vested System under the National Board. By David Ross, M.A., LL.B.

Believing that the claims of those who hold theories of public education in this country opposed to the principle of the National Board relative to religious instruction would be submitted to your consideration, I thought I might usefully bring before you some views in favour of the National System, or rather that part of it called the Non-Vested system, which I formed a few years ago when I had occasion to carefully examine the subject. Indeed, I thought it might be specially useful to do so at this time, because I suppose I am not wrong in assuming that there are some strangers here unacquainted with the system altogether, and who, from the constant discussions on the subject, wish to get a general knowledge of its nature, as well as perhaps not a few who have long and conscientiously opposed the National Board, but to whom I now only do justice by supposing that they are at present willing to hear without unfair prejudice anything that may be urged in favour of the system, and, if it be possible without violation of their conscientious convictions, even yet to assist the Government in their at least well-meant efforts to develop the capacities of Irishmen, and thereby most surely to advance the real welfare of Ireland and the empire. And though, as I have intimated, I here constitute myself the advocate or rather the expounder of that particular form of the National Board system, called the Non-Vested system, (which took its rise subsequently to the establishment of the Board,) it will tend to the better understanding of my subject if I briefly sketch the origin of the entire system.

Of course I am to be understood as discussing the subject with reference to what is called "the religious difficulty;" I also wish that my views may be considered as having reference only to ordinary day schools, where the pupils live at home, not to reformatory schools or similar institutions, to which different principles are, in my opinion, applicable.

Before the year 1828 various schemes for educating the Irish people had been recommended by Commissioners of Inquiry, and through the instrumentality of various societies Government aid

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had been dispensed to a considerable number of schools; but I am justified in saying that no system of national education, worthy of the name, existed at this time. In 1828 the Reports of the Commissions of Inquiry of 1807-12 and of 1825-27 were referred to a Committee of the House of Commons. The Committee, as they state, conducted their inquiry with the object of discovering a mode in which the combined education of Protestants and Roman Catholics might be carried on, resting on religious instruction, but free from the suspicion of proselytism. They reported in favour of a system according to which combined moral and secular instruction should be given on four days of the week, while one of the two remaining days should be appropriated to the separate religious instruction of Protestants, the other to that of Roman Catholics, in each case under the superintendence of their respective clergy. They further recommended that the authorized version of the New Testament should be provided for Protestant scholars, and the version published with the approval of the Roman Catholic bishops for the Roman Catholic scholars, these to be read at the time of religious instruction only, and under the direction of the attending clergyman. In 1830 the plan so set forth was mentioned with approval by the Select Committee appointed to inquire into the State of the Poor of Ireland.

Shortly after this—namely, in October, 1831—Mr. Stanley's now Lord Derby's celebrated letter was written to the Duke of Leinster, and this is generally regarded as the charter of the National Board. It, in the main, adopts the recommendations of the Committee of 1828 with regard to religious instruction; for I should mention, that before the final regulations of the Government were drawn up, the recommendations of the Committee as to compulsory reading of either version of the Bible, and as to forced attendance on religious worship on Sundays, were omitted from the scheme. It appears that these omissions were owing to an unwillingness on the part of the Protestant ecclesiastics of the Board to circulate an annotated Roman Catholic version of the Scriptures, (inculcating, as of course it would do, Roman Catholic dogmas,) and to enforce the attendance at chapel of the Roman Catholic children. The following extract from Mr. Stanley's letter will show the nature of the religious instruction contemplated to be given in the national schools then constituted:—

"They (that is the Board) will require that the schools be kept open for a certain number of hours on four or five days of the week, at the discretion of the Commissioners, for moral and literary education only, and that the remaining one or two days in the week be set apart for giving separately such religious education to the children as may be approved of by the clergy of their respective persuasions.

"They will also permit and encourage the clergy to give religious instruction to the children of their respective persuasions, either before or after the ordinary school hours on the other days of the week."

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The word "encourage," in the foregoing paragraph, evidently embarrassed the Commissioners somewhat, for in a document subsequently drawn up by the Commissioners, and approved of by the Government, as an explanation of some points in the letter, the Commissioners say, "By 'encouraging' the pastors of different denominations to give religious instruction to the children of their respective flocks, out of school hours, the Board understand merely affording facility of access to the pupils at the time specified, and not employing or remunerating them."

The principles embodied in the foregoing extract are still kept in operation in the Vested schools of the Board—that is, in all those schools to the building of which the Board have contributed, and which are by the rules of the Board required to be vested in the Commissioners, or which before the incorporation of the Board were required to be vested in trustees for the purpose of being permanently maintained as national schools. The chief rules at present actually in force regulating the religious instruction in these Vested schools are:—

1. "That religious instruction must be so arranged, that each school be open to children of all communions; that due regard be had to parental right and authority; that accordingly, no child be compelled to receive or be present at any religious instruction of which his parents or guardians disapprove; and that the time for giving it be so fixed, that no child shall be thereby, in effect, excluded directly or indirectly from the other advantages which the school affords."

2. "In schools, towards the building of which the Commissioners have contributed, and which are vested in trustees for the purposes of national education, or which are vested in the Commissioners in their corporate capacity, such pastors or other persons as shall be approved of by the parents or guardians of the children, respectively, shall have access to them in the schoolroom, for the purpose of giving them religious instruction there, at convenient times for that purpose."

I cannot by any explanation make the Vested system clearer than it will appear from the foregoing extracts.

The Non-Vested system is, as I conceive, a system radically different. A brief notice of its origin will perhaps best explain its nature.

Prior to the year 1840 the Presbyterian body in the north of Ireland, as many of you are aware, energetically opposed the Board. In that year a school in Ulster was received by the Board into connexion on terms now forming the grounds of union between the Board and all Non-Vested schools, which are about two-thirds of the whole number of national schools. And as there has been no small amount of misunderstanding, to use the mildest term, regarding this arrangement between the Board and the Presbyterians, dishonour to God's Word having been freely laid to the charge of the latter in public and in private, and also because the Non-Vested

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system affords the only possible ground as it appears to me on which clergymen of the Established Church can ever be expected to join the Board, I shall briefly state the material circumstances in the application.

The school-house was held on lease. The school had been in operation before. It was under the management of a committee chosen by the parents of the children. The patron was the Rev. Dr. Stewart, a Presbyterian clergyman. The time for reading the Holy Scriptures was so arranged as not to interfere with or impede the scientific or secular business of the school; and no child whose parents or guardians objected was required to be present at or take part in these exercises. No obstruction was to be offered to the children of such parents receiving such instruction elsewhere as they should think proper. The school was to be open on all days of the week to the public of all denominations, who had liberty to inspect the registry, witness the mode of teaching, and see that the regulations of the school were faithfully observed; but no persons except members of the Committee or officers of the Board were to be permitted, *ex officio*, to interfere in the business or management of the school. Under these circumstances, the Board made a grant of books and salary, and since that time it has been competent for any one, whether clergyman or layman, to get aid in salary, books, &c., on similar terms. I have heard it represented that the Presbyterians—the "sturdy Presbyterians," as some are pleased to call them, when the object is to insinuate that Government granted them privileges which it refused to others more modest, but certainly not less entitled to favourable consideration—that the sturdy Presbyterians got peculiar privileges on this occasion. But this is entirely incorrect. They got nothing that has not been, and is not ready to be, extended to all, and that is, in simple terms, that if any man, clergyman or otherwise, in any locality in Ireland, have a school-house (owned by himself or by any body of persons appointing him patron) which he desires to put in connexion with the Board, his application will be considered, and if acceded to, that salary, admirable books, and other advantages will be given to the school; that an educated inspector shall, at least three times each year, visit the school to report on the progress of the scholars in secular learning and on the state of the school; that the patron shall have the entire management of the school in his own hands, including the appointment and dismissal of the master; that to him alone shall belong the entire and uncontrolled right of having whatever religious instruction he pleases, if any, given in the school; and the only condition imposed on the patron with respect to this religious instruction is, that he shall not deprive of the secular advantages of the school, aided as it is by the State, from taxes contributed by all, any child whose parent or guardian may consider such religious instruction objectionable.

I may now venture to answer the question, What is the real nature of these Non-Vested national schools? They are, in truth, mainly a kind of SECULAR SCHOOLS.

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The Government pays only for the secular instruction, inspects only the secular instruction, insists that there shall be a certain amount of secular and moral instruction imparted to all in the school, and leaves to the patron power if he will to have no religious instruction whatever therein. But let me not be understood as admitting that the Government thereby ignores religion. It simply assumes, that in a day school, where the child is living under parental care, a certain amount of secular instruction can be usefully taught, and not being able to prescribe religious instruction that will please all parties, it leaves the patron judge of what should be taught, subject to parental right. No more let me be understood as representing that the Non-Vested system is exclusively secular. The books at present universally, I believe, in use in national schools, contain a very considerable amount of valuable religious instruction, though principally of an historical character. Moreover, the Commissioners absolutely require that in every school in connexion with them, the following lesson (or a lesson of a similar import to be approved of by them) shall be strictly inculcated during the time that all the pupils are present:—

"Christians should endeavour, as the Apostle Paul commands them, to live peaceably with all men, (Rom. xii. 17,) even with those of a different religious persuasion.

"Our Saviour Christ commanded His disciples to love one another. He taught them to love even their enemies; to bless those that cursed them, and to pray for those who persecuted them. He Himself prayed for His murderers.

"Many men hold erroneous doctrines, but we ought not to hate or persecute them. We ought to seek for the truth, and to hold fast what we are convinced is the truth, but not to treat harshly those who are in error. Jesus Christ did not intend His religion to be forced on men by violent means. He would not allow His disciples to fight for Him.

"If any person treat us unkindly, we must not do the same to them, for Christ and His Apostles have taught us not to return evil for evil. If we would obey Christ we must do to others not as they do to us, but as we would wish them to do to us.

"Quarrelling with our neighbours and abusing them is not the way to convince them that we are in the right, and they in the wrong. It is more likely to convince them that we have not a Christian spirit. We ought to show ourselves followers of Christ, who, 'when He was reviled, reviled not again,' (1 Pet. ii. 23) by behaving gently and kindly to every one."

The Ten Commandments also are furnished on a tablet by the Commissioners, and these, though it is not compulsory on the patron to use them, may be referred to by the teacher during any part of the school hours.

And now let me briefly consider some advantages that this Non-Vested system possesses. I would say to those who consider that it is essential even for the safety of the State that the masses of the

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people should not be permitted to grow up without religious training, that practically it is afforded to pupils in Non-Vested schools. Take, for example, the Non-Vested schools under Roman Catholic management; they are in the main, for reasons not necessary here to enter on, attended by children of that faith, who are, as a matter of course, instructed in their own religion. And I have every reason to believe that, even in the schools under Protestant patrons, the Roman Catholic children, in some cases by the permission of the patron, and where this is not accorded by the zeal and exertion of their clergy elsewhere, are brought within the influences of their religion. And to those who think that the State should not inculcate what it deems to be erroneous I would say that this is done as it ought to be without any sanction being given by the Government to this Roman Catholic instruction. The conscience of the nation is thus protected, while the Government stands in the position of dealing out the same measure of justice to its Roman Catholic subjects as to all others. It says to all, "I will do for you in common all I can do; I pay for the secular instruction, you must mind and be responsible for the religious." It may perhaps be inclined to say to the Protestants, "My sympathies prompt to give you grants on your own terms; but if I do so, on the principle of that justice which I too long neglected I must also give grants to my Roman Catholic subjects. You regard the Bible as God's word—as the only revelation of His will to man; but my Roman Catholic subjects regard as such not the Bible only, but the Bible and those traditions and regulations which their Church adopts and prescribes—a Church which they believe cannot err, which they conceive on the authority of the Bible itself has been gifted by our common Lord with a Bible-making power. If I permit you to teach to all, without exception, the Bible in your schools, I must permit them to teach to all, without exception, the Bible and those traditions which are, as they conscientiously believe, the complement of the Bible in theirs; and if I do so, you have the Denominational system, which I have always understood the Protestant Church in Ireland abjures, and which presents the spectacle of a State that supports an Established Church teaching diverse and inconsistent religions as an essential part of the public education afforded."

Another advantage secured by the Non-Vested system is, that under it the Government has not an inordinate influence in educating the people. I believe the more strictly they keep themselves to the inspection, and to the encouragement by means of salary, books, &c., of schools organized, and so far as possible supported, by local exertions, the better for the true interests of education. In this respect the Non-Vested system appears to me to possess a decided advantage over the Vested system.

And I may here notice what is an important practical advantage of the Non-Vested system as compared with the Vested system, viz., that the former is better suited to secure for a school local patronage and a local friend. Any one who has had an opportunity of

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observing the effect of the generous and intelligent patronage and friendship of persons of refined and educated mind and possessing local influence on the prosperity, and on the life, if I may call it so, of an elementary school, must be aware of the extreme importance of securing such an agency in favour of a national system of education. But the persons who are best fitted for, and who at the same time are willing to undertake this duty, are, with rare exceptions, animated with strong religious feeling, and will never submit to allow persons in whose religious opinions they cannot concur to enter, as teachers, within the precincts of their school. All that you can ever reasonably or rightly expect from such persons (and I maintain you may do so under a system supported from the taxes of a mixed community) is, that they should honourably engage not to force children to accept their views on matters of religion, if the parents object. Under the Vested system of the Board, or in any form of pure secularism, (which latter would entirely exclude all religious teaching from public schools,) you can never secure their patronage and active interest. And yet I would almost venture to affirm that such patronage and interest are more valuable to a school (both to teacher and to taught) than even the benefits of a good system of inspection, great as these undoubtedly are.

But it will have occurred to some of you to say, if you give their due weight to those advantages from local patronage, why not secure the good will of the Established Church clergy and gentry in favour of national education, a large number of whom, from their calling and position, would afford to schools that friendship and support which you so much value?

I answer, that the principle regarding parental right, laid down by the Church Education Society, is, in my opinion, so vicious, that even those advantages would not for a moment compensate the enormous comparative disadvantages arising from the sacrifice of those principles of religious liberty involved in the violation of the rule of the Board, that parental right must be respected.

And may I here be permitted to make a remark on this vexed question of parental right? It appears to me to lie at the bottom of the difficulty which many most high-minded and conscientious Churchmen feel in joining the National Board. I think I am not mis-stating their view when I say, that they uphold the principle that a man is bound to expel from a public school (that is, from an elementary public school, for they do not extend their objection to intermediate schools,) any child who, in obedience to his parents' wish, refuses to read the Bible. It is in vain to say there is no compulsion in this case. As well might it be argued that there is no compulsion in putting a man to death for his religious opinions. In the latter case, if you recant, you are free to live; in the case of the school in which reading the Bible is insisted on, if you read the Bible, you are also free to the secular advantages of the school. But if the boy does not read it, against the will of his father, out of that school he must go, and that, too, not out of a private school, (in which

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the patron might have some shadow of excuse for enforcing this illiberal rule,) but out of a school where secular instruction is taught and paid for by the State. But it is said, I deny the parent's right to direct the child that he shall not read God's Holy Word. I ask, in reply, Do you, or do you not, admit the right of private judgment in matters of religion? If you do not, this argument has no application; but if you do, and if you do not deny that God, in His providence, has committed children, during their childhood, to the charge of their natural parents, you must admit the Roman Catholic parent's right to decide that his Bible (namely, our Bible—or rather, the Vulgate—and the teaching of his Church which he in his conscience believes the Bible sanctions as equal in authority to the Bible itself,) warrants him in concluding that his child ought not to read the Bible, and the right to decide for his child, just as for himself, that he shall not read it. You may, indeed, (and of course, I believe rightly,) say that the parent is *not right* in directing his child not to read the Bible; but this is an entirely distinct proposition from saying that he has *not a right* to do so. A son goes out from his father's home where all that wealth can supply has been lavished on him. He succeeds in life, but age and misfortune combine to bring his father to helpless penury. Even in these circumstances, according to our law, the son has a right to refrain from aiding his father in his extremity, but I need not say he is not right in doing so. In short, a man has a right to do anything that he is entitled to be protected in the exercise of, but he may not be right in exercising that right. The proper course to pursue in such a case is, not to deny the right, but to respect it, and by argument and advice, to induce the person having the right not to exercise it wrongfully. But it may be even still objected, "Admitting the son has a right, as you call it, impiously to neglect his father, or a Roman Catholic parent a right, as you call it again, to direct his child not to read the Bible, still, as it is wrong to do so, I entirely decline, in any way, to countenance him in the exercise of this right." I answer, "You do not in any way do so; on the contrary, your whole life and the entire course of religious instruction in your school, offered as it is to all, is a continual protest against his decision. You simply respect his right, by giving notice to the parent that his child is attending the religious instruction which he may be assumed to be opposed to; and, having done so, you are not called on by the Board to take any further steps to exclude the child from the religious instruction."

I hope I have succeeded in demonstrating that, on Protestant principles, parental right ought to be respected. But I may be allowed to strengthen my position by adducing the practice in Scotland, a country where they are generally believed to be strong enough in Protestant sympathies, and not to fail in respect for the Bible. At a late meeting of the General Assembly of the Irish Presbyterian Church, the Rev. Dr. Candlish, who, it is all but needless to say, is an eminent member of the Free Church of Scotland, said:—

"I believe it is very well known to most here present, that the

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Scottish practice in regard to public schools is, that secular education shall be given altogether apart from the question of religion—that, at the same time, there shall be in all the common schools religious instruction given at certain hours, and that it will not be enforced on the children of those who may not desire to receive it. I believe I may say that has been the system in Scotland from time immemorial. I know that has been the usage of the Established Church of Scotland, and that is also the usage of the Free Church in all the schools over which she has control. This is not a usage to which the Presbyterian Churches have accommodated themselves on account of any pressure from without. This is their usage in accordance with their firm conviction of right, freedom, and liberty. I am not now speaking of schools set on foot in connexion with Churches, to forward their own interests—I am not speaking of proselytizing schools at all; I am speaking only on a subject on which we Scotchmen are entitled to speak—on the subject of common schools, for the benefit of the country at large. We are entitled to be heard on such a subject as this; for there is no country on the face of the earth has done more for the education of her people, down from the time of the Reformation. We can afford to speak of what Scotland has done in establishing public or common schools, without indulging in boasting. In all our common schools in Scotland, religious instruction is to form a part of what is taught; but any parents or guardians may withdraw their children at the time of such religious instruction being imparted." *

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* In the discussions in the Department, the authority of the late Dr. Chalmers was cited, as opposed to the principle of the Irish National System; but whatever his views may at one time have been, it will appear from the following extract from a paper drawn up by him about a week before his death, and after much previous consideration, for her Majesty's Government, that the Non-Vested system is in conformity with his ripest opinions on the subject:—

"It were the best state of things that we had a Parliament sufficiently theological to discriminate between the right and the wrong in religion, and to encourage and endow accordingly. But failing this, it seems the next best thing that in any public measure for helping on the education of the people, Government were to abstain from introducing religion at all into their part of the scheme, and this not because they held the matter to be insignificant—the contrary might be strongly expressed in the preamble of their Act—but on the ground that in the present divided state of the Christian world, they would take no cognizance of, just because they would attempt no control over, the religion of applicants for aid, leaving this matter entirely to the parties who had to do with the erection and management of the schools, which they had been called upon to assist. A grant by the State upon this footing might be regarded as appropriately and exclusively the expression of their value for a good secular education."

Having stated why, in the circumstances of the country, such a measure was best, the writer proceeds:—

"On the basis of these general views, I have two remarks to offer regarding the Government scheme of education," (*i.e.* for Great Britain.)

"1. I should not require a certificate of satisfaction with the religious progress of the scholars from the managers of the schools, in order to their receiving Government aid. Such a certificate from Unitarians or Catholics implies the direct sanction by Government to their respective creeds, and the responsibility

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There is an important practical advantage arising from the provision protecting the free exercise of the parent's right. It seems to be sometimes forgotten that locality, or distance from a school, is a most serious consideration in devising a national system, especially for the poor. Now is it not almost absurd that a public school for the education of the poor should be founded on principles which would exclude from it its most natural scholars—the children in its immediate neighbourhood? And is it to be tolerated that a system should be introduced rendering it necessary that a child whose parent is willing to make provision for his religious instruction out of school hours should be compelled to go to a school miles away, often through cold and rain, when there is a State-paid school near his father's door? It is constantly assumed, in discussing this subject, that the school belongs to the person who acts as patron or manager, but this is, of course, only partially true. The school-house may belong to him, but a part of the expenditure, and generally a great part of it, is borne by the State; and the State not only may, but ought, to make conditions tending to secure the public usefulness of the school. One of these conditions certainly should be, that no rule ought to be enforced that must drive away the children of the neighbourhood from the most convenient school. Elaborate tables may be drawn up, and telling speeches may be made, showing the rarity of Protestants and Roman Catholics in the schools taught or managed by those of a different faith; but after all, they are not so rare that their case should be thought unworthy of consideration: and I can myself testify to this fact in the case of a national school, (and I have been assured by one well-acquainted with the subject that the case is a common one,) that when the exhortations or warnings used by a hostile clergyman against the national school I refer to

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not of allowing, but more than this, of requiring, that these shall be taught to the children who attend. A bare allowance is but a general toleration, but a requirement involves in it all the mischief, and I would add the guilt, of an indiscriminate endowment for truth and error.

"2. I would suffer parents or natural guardians to select what parts of the education they wanted for their children. I would not force arithmetic upon them if all they wanted was writing and reading; and as little would I force the catechism, OR ANY PART OF THE RELIGIOUS INSTRUCTION THAT WAS GIVEN IN THE SCHOOL, if all they wanted was a secular education. That the managers of the Church of England schools shall have the power to impose their catechism upon the children of dissenters, and, still more, to compel their attendance on church, I regard as among the worst parts of the scheme."—*Vide* "Chalmers' Memoirs," by Hanna, vol. iv. pp. 493—496.

The English system, and each of the schemes put forward as substitutes for the National System in Ireland, involve the improper interference with a parent's right condemned in the latter of these remarks. Whether the certificate alluded to in the former is still required, I am unable to say; but even assuming that it is not, I think it cannot be denied that so long as under the English system aid is refused to Roman Catholic applicants, unless religion (that is, of course, the Roman Catholic religion) be taught in the school, the State does even something more than "sanction and countenance" the teaching of that faith. From all objections pointed at in the foregoing remarks, the Non-Vested system under the National Board is perfectly free.

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began to be forgotten, this element of distance recommenced to operate, and several of the children returned to the condemned school. But if the present system did not exist in this country, and if the only alternative—the Denominational system—were substituted for it, the great majority of the schools becoming sectarian in their teaching, the matter of locality or distance would be found to operate so much, that very considerable numbers of persons would be compelled to let their children go without any education, or with a very limited share; unless, indeed, in the laudable desire of Irishmen to get some learning for their children, they at all hazards sent them to the only available school, where they would be subjected to the most uncontrolled proselytizing influences, and this, be it ever remembered, at the expense of the State.

I have referred to the Denominational system as the only alternative to the present one; from that I heartily hope we may be preserved. The simple consideration that in a State supporting a Protestant Establishment aid is given to a Roman Catholic school on condition, as I understand it, that the Roman Catholic faith is taught therein, or that to a Jewish school (in which, of course, is taught that our Saviour was an impostor) aid is given on condition that a single verse of the Bible is read, while aid is refused to a patron who applies for it to pay for secular instruction only, and who refrains from inculcating what the State believes to be positive error, might on principle abundantly suffice to condemn the Denominational system even in England. But however those in authority may be disposed to view the matter as relates to England, I feel bound to state my deliberate conviction that the introduction of the English system, (or any modification of it which would still place the conscientious feelings of parents and children at the mercy of patrons of schools,) and the introduction of the measures logically connected with it, into this country, would do more to rekindle dying animosities and sectarian hatred than almost anything that could be devised. Nor do I see how it would really serve any party or sect. It could hardly serve those connected with the Established Church, unless, indeed, the abolition of the Establishment in this country would serve them. No more do I believe would it serve the Roman Catholics. They have at present a large portion of the grant for national education on sufficiently easy terms under the Non-Vested system, and on terms honourable to them and to the Government. They might have no slight reason to regret the loss of the present system were what they now enjoy asked from a British Parliament as a separate grant.

I would earnestly indulge a hope that the discussion this question has received and will receive at this meeting may eventuate in the clergy of the Established Church reconsidering the question with special reference to the present Non-Vested system. I would be far from counselling them to join the Vested system for many reasons, but I do firmly maintain that as Christians and as Protestants they would be justified in joining the Non-Vested system to-day. I admit

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they may, as Churchmen and as clergymen, feel difficulties which I, as a Presbyterian and a layman, cannot appreciate. But I sincerely hope that they may come to some conclusion which will enable the Board (either the present Board or a reconstituted one, I care not which) to receive them into connexion with it without violating those fundamental principles of the National System, for the protection of which, and at the same time their rightful application to the circumstances of Ireland in the face of the greatest difficulties, the members of the late Board deserve the grateful remembrance of their countrymen.

The Present Educational Position of Roman Catholics, in relation to the State, in Ireland. By PROFESSOR KAVANAGH, *Catholic University, Ireland.*

THE Rev. Mr. Pollock has preceded me with a most able and most temperate paper, "On the Educational Position of the Established Church in Ireland," and I have now the privilege and the honour to submit to the meeting the main counterpart of the question, as it affects four millions and a half, or seventy-eight per cent. of the population, in this paper, on "The Present Educational Position of Roman Catholics, in relation to the State, in Ireland." More than six and a half times the members of the Established Church, eight and a half times the Presbyterians, sixty-seven times all other Dissenters, and three and a half times the aggregate number of Protestants of all forms, Catholics have a clear claim to be heard upon this great question.

From the standard works of the Catholic Church, the principles of Catholics, in the matter of Education, may be seen to be few, clear, and simple. They are all derived from the command—"Go, teach all nations," qualified, however, by the restriction "teaching them to observe all things whatsoever I have commanded you." Faith and morals, then, are the domain of our Church. Within these, her authority is supreme, and her utterances final. Those who reject her mission, by exercise of the right of private judgment, should respect others, whose exercise of the same right harmonises with entire submission to her Divine authority. Liberal statesmen, when legislating upon subjects which would call them into play, study those principles of Catholics, a notable example of which we have in the foundation of the National System of Education. Mr. Stanley, then Chief Secretary for Ireland, now Earl of Derby, explicitly avows, in his celebrated letter to the Duke of Leinster, October, 1831, that it was owing to these principles that the Kildare Place Society was overthrown, and that it was in order to conform to leading principles of Catholics that the National System itself was founded. Lord Stanley, as I shall call him, says:—

"While His Majesty's Government do full justice to the liberal

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views with which the Kildare Place Society was originally instituted, as well as to the fairness with which they have, in most instances, endeavoured to carry their views into effect, they cannot but be sensible that one of the leading principles of that Society was calculated to defeat its avowed objects, as experience has subsequently proved that it has. The determination to enforce in all schools the reading of the Holy Scriptures, without note or comment, was undoubtedly taken with the purest motives, with the wish at once to connect religious with moral and literary education, and, at the same time, not to run the risk of wounding the peculiar feelings of any sect, by catechetical instruction or comments, which might tend to subjects of polemical controversy; but it seems to have been overlooked that the principles of the Roman Catholic Church (to which, in any system intended for general diffusion throughout Ireland, the bulk of the pupils must necessarily belong) were totally at variance with this principle, and that the reading of the Holy Scriptures, without note or comment, by children, must be peculiarly obnoxious to a Church which denies, even to adults, the right of unaided interpretation of the Sacred Volume, in articles of religious belief.

"Shortly after its institution, although the society prospered and extended its operations under the fostering care of the Legislature, this vital defect began to be noticed, and the Roman Catholic clergy began to exert themselves with energy and success, against a system to which they were in principle opposed, and which they feared might, in its results, lead to proselytism, even although no such object were contemplated by its promoters. When this opposition arose, founded on such grounds, it soon became manifest that the system could not become one of national education."

The Kildare Place Society enjoyed the confidence of both Protestants and Presbyterians, yet the Catholics, within two years of their emancipation, compelled its overthrow. Prelates and priests had been extensively connected with that system, the working and development of which, just as in the case of the present system, drove them into opposition. They exposed themselves to the same absurd reproach, now cast, that they are inconsistent, in opposing and demanding the overthrow of a scheme which they had supported, and with which they had been in connexion. It was not, however, the system as first tolerated by them which they opposed, but the system whose tentative working revealed its perils. It was the Kildare Place System of 1826, not that of 1819. When the Presbyterians, as one body, joined—or as they themselves state, entered into an alliance with—the National Board, in January, 1840, no one who understood the matter reproached them, nor could justly reproach them, as inconsistent.

The opposition of the Presbyterians had been far more violent than that of the Protestants of the Established Church. In 1832-3, the Synod of Ulster condemned the system, and, in the latter year, submitted certain propositions to Earl Grey, then Prime Minister, demanding modifications in it. In 1834, monster meetings were

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held, sometimes attended by as many as 5000 persons, numbers of whom were armed; they assembled at sound of trumpet; were headed by clergymen, who opened the proceedings with prayer; each person in the procession flourished his Bible over his head; tall poles were carried, bearing boards with the words "Holy Bible School," to be set up instead of the inscription "National School," which was taken down, whenever met, and publicly burned; and the proceedings closed with thanksgiving, for the emancipation of the Bible from the thraldom of the new system. Schoolmasters were expelled from national schools, by armed parties; gun-clubs were generally established, for the protection of the Word of God; and so apprehensive of serious violence were the clerical leaders of the movement, that they enjoined abstinence from strong drinks on those who attended the monster-meetings. This intense opposition, on the part of numbers of the Presbyterian body, continued, with slight modification, until the hostility to the new system, from all sections of Protestants, had attained such magnitude that an inquiry into its working was ordered in 1836, in the House of Lords, and in 1837, in the House of Commons.* In January, 1840, the Presbyterian body, formally and finally, joined the National Board; and it is of the utmost importance that the Association should thoroughly understand how the Catholics and the Presbyterians have exchanged places with each other, and reversed their original attitudes, in relation to the system.

The Presbyterians, clearly, could not stand up in this meeting, to impute inconsistency to the Catholic prelates, to the Catholic people, or to me, in opposing, in 1861, a widely different system from that which had been accepted, as an experiment, in 1831, any more than we could charge them with accepting, in 1840, a system which, for the previous nine years, they had been thus denouncing. The Presbyterians obtained their own terms,† to the disadvantage of Catholics, by which the foundation of a denominational system was laid.

In 1844, the National Board was incorporated, by Charter, when

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* See evidence of Mr. (now Professor) Robert Sullivan, Inspector of National Schools; of Rev. Mr. Carlisle, Rev. Dr. Cooke, and others, before the Select Committee of the House of Commons on National Education, Ireland, in 1837.

† The following are amongst the resolutions on the subject of National Education, which were proposed by Dr. Kirkpatrick, and unanimously adopted by the Presbyterian General Assembly in 1859:—

"The attention of the Assembly having been called to the manifesto lately issued by the Roman Catholic Bishops of Ireland, on the subject of National Education, it was resolved as follows:—

"I.—That this Church did, in the year 1840, after much and various negotiation on the subject, consent to receive aid to its schools from the Board of Education.

"VII.—That this Assembly does, therefore, exhort and encourage our Presbyterian people to continue to receive aid from the Board of Education, so long as it adheres to its present arrangements, at the same time, watching, diligently, against any infringement of the conditions on which the compact was originally formed."

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a rule was made having for object the entire monopoly of the whole school property of the country. A Papal Rescript prohibited Catholics from vesting schools in the new corporation, so that few Catholic schools have been erected by aid of State grants for the last seventeen years.

The rule which, from the first, compelled a patron to exclude* from religious instruction any child whose parents had not expressly directed him to attend thereat, was most warmly opposed by Protestants and Presbyterians. Large numbers of Catholic children attended schools under non-Catholic patrons, and the rule required that those children should be excluded from the school before Biblical, catechetical, devotional, or any other form of Protestant religious instruction could be commenced. At length, in the autumn of 1847, Archdeacon Stopford, of Meath, after a protracted controversial correspondence, obtained the abrogation of this protection to religious minorities, and thus disappeared the last vestige of Lord Stanley's system, a system whose avowed mission it was to "banish from the school even the *suspicion* of proselytism." Founded as a system of rigid protection to conscience, it has now degenerated into one of free trade in proselytising.

Permit me now to glance at another serious phase of the system. Up to 1849, the Board had no model schools, except those in Dublin. Since then, large establishments have been erected and brought into operation in Belfast, Carrickfergus, Coleraine, Ballymena, Ballymoney, Bailieboro, Omagh, Newry, Trim, Galway, Limerick, Athy, Enniscorthy, Parsonstown, Clonmel, Kilkenny, Waterford, and Dunmanway, and other model schools have been, or are being erected, in Londonderry, Sligo, Newtownards, Monaghan, Newtownstewart, Cork, Lurgan, and Enniskillen. Ignoring all ecclesiastical, and nearly all local public opinion, those institutions have been forced into places, in defiance of the protest of the great majority of the inhabitants, and the consequence is that into some of them, such as those in Omagh, Parsonstown, and Enniscorthy, few Catholic children have entered, and Enniscorthy school, erected at a cost of £7000, opened on the 1st of this month, was denounced by the Catholic bishop and by the Protestant rector on the Sunday before, and their respective flocks warned against connexion with it. This attempt to force State schools into all the leading towns of the kingdom is the most daring aggression of the kind ever made in any part of the empire.

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* See First Report of the National Board, Minute upon the Four Propositions of the Synod of Ulster, 26th August, 1833, illustrated by the case of the Temple Meeting-House School; Sixth Report (1839) of the National Board, Sect. II.; Sixteenth Report (1849) of the National Board, Sect. XII.; Letter of Archdeacon Stopford to the Protestant Clergy of Meath, in 1847; Evidence before the Lords' Committee, in 1854, upon National Education, by Archdeacon Stopford, Head Inspector M'Creedy, and others. Also, for the fullest information upon this subject, "The Catholic Case Stated; or, Principles, Working, and Results of the System of National Education, in Ireland," chaps. V., VI.

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In none of the British colonies in America, nor in India, nor in Australia, has such an attempt been made. Neither in England, nor Scotland, is there even one school, primary or secondary, one model school, or one training college, under direct State management, while in Ireland the State assumes the functions of parish schoolmaster and national training master. Further, after having first extirpated all our humble but useful private classical schools, as shown in the paper read by Rev. John Hall, one of the Commissioners of National Education, the Board has obtained a Parliamentary grant to superadd classics to the curriculum in the model schools, and thus convert them into middle class, or intermediate schools, of which the State has the sole direction. Viewed with political as well as religious alarm, invading civil as well as religious rights, the extension of the model schools has completed the chain of evidence as to the dangerous character of the system, the consequence of which is that they are opposed with all the resources of Catholics. In this city, an establishment is progressing the completion of which will cost £11,000, and which is designed to take away Catholics from the central model schools. A few days since, I assisted at the opening of new schools of the Christian Brothers in Athy, to which almost all the Catholic boys have been drafted from the model schools. In Kilkenny, in Waterford, in Clonmel, in Trim, in Galway, in Omagh, in Enniscorthy, in Athy, in nearly every town in which a model school is in operation, the Catholics have placed a Nuns' school upon one side of it, and a Christian Brothers' school upon the other—a measure which rapidly empties the model school of Catholic pupils.

From the mutilation and interpolation of Lord Stanley's letter, to the last change made in the rules, there has never been an alteration made the practical effect of which did not place Catholics in a worse position, a fact which I asserted as boldly to the Commissioners, when in the service of the National Board, and to which I deposed, on oath, before the House of Lords, in 1854, as I now do before this mixed and most enlightened audience.

The speeches of that distinguished orator, Mr. Whiteside, in the Rotundo and in Parliament, an article in the *Morning News*, and the excellent paper of Mr. Pollock, alike demonstrate the denominational character of the national schools. The analysis of Mr. Butt's Parliamentary Return, compared with Returns of previous years, proves conclusively, what indeed is a matter of common observation, that the national schools have settled down, with the exception of a trifling fraction of them, into denominational schools. A glance at the educational institutions of the country that are unconnected with State grants may assist us in deciding the question—What is the free feeling of independent and intelligent people upon the question of mixed and of denominational schools? In the whole of this island there does not exist one per cent. of Catholic pupils in Protestant boarding schools and colleges, nor one per cent. of Protestant pupils in Catholic boarding schools and

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colleges. The Endowed Schools' Commissioners, while differing amongst themselves in other respects, were unanimous in their condemnation of mixed boarding schools, although all the model schools of the National Board fall under this category. There are in this city several large academic institutions for Roman Catholics, that of St. Laurence O'Toole, Harcourt Street; that of the Jesuits, Great Denmark Street; that of the Carmelites, Dominick Street; while the Protestants have four or five similarly large and most respectable establishments under Protestant clergymen; and the Wesleyans, and even the Presbyterians, small as are their numbers in Dublin, have their own middle-class schools. Throughout Ireland, young ladies of the middle and upper classes are all taught, either in day or in boarding schools, by Nuns. Of the thirty-two counties in Ireland, either Nuns or Christian brothers, generally both, are in every county, except Cavan, Longford, and Leitrim, and steps are being taken to introduce them into these three. There is scarcely a town of 2000 inhabitants in Leinster, Munster, or Connaught, that has not a convent or a monastery, with its attached school for the poor. Let us go still higher, and we find Catholic diocesan schools and colleges springing up in all directions, so that at present there are only three, and these very small or very poor dioceses, which are not provided with collegiate institutions for Catholics. But a few days since, a meeting was held in Longford for the establishment of a college for the diocese of Ardagh, when the Catholic clergy alone, of that small and poor locality, subscribed £2,500 to the undertaking. Perhaps the Catholic University, with which I have the honour to be connected, is one of the boldest and noblest attempts ever made by a struggling nation in support of free education. Some £80,000 was subscribed towards its establishment, and its existence depends on the annual voluntary offerings of a generous public. Erasmus Smith's schools, diocesan schools, endowed schools, royal schools, all afford special advantages to students, but in vain do they tempt Catholics, for they never enter their walls. The erection and repairing of the three Queen's Colleges have cost £122,457, and their annual maintenance, including the Queen's University, is £30,350, yet comparatively few Catholics avail themselves of their numerous advantages. Catholics form, at an average, only 30 per cent. of the number of matriculated students in the three Queen's Colleges, who, last year, amounted to 551, nearly half of whom were in Queen's College, Belfast; but in order to understand the precise value of this fact, that Catholic young men form much below half their due proportion of students in the Queen's Colleges, we must refer to the strength of the temptation by which they are allured. It appears, from sworn evidence and returns made to Parliament, that, including £6 for expenses to Dublin, each graduate of the Queen's University covered, by his scholarships and prizes, the whole expense of his support, and also the cost of his small college fees, leaving to his credit a balance of over £16, on taking his degree of B.A.

Under those circumstances, as a young man can obtain a university

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degree and a profession, doctor, engineer, or agriculturist, his support while an undergraduate, and £16 to boot, it can astonish no one that, in a poor country like this, some few Catholics avail themselves of those advantages. Trinity College, that ancient and most noble seat of learning, influenced by the opening of the Queen's Colleges and by the Catholic University, has recently liberalised many of her rules, and even founded sixteen non-foundation scholarships and fourteen studentships of £100 a year each, tenable for seven years, which, as well as the sizarships, are open to Catholics. Nevertheless, the entrances to Trinity College for the last five years have been, at an average, only 16 Catholics out of 275 entrances in the year, or under 6 per cent., being only half the number of Catholics who entered twelve years ago.

A religious spirit pervades the whole Irish population, Catholic, Protestant, and Presbyterian. The very men who in this Section have stood up to apologize for, none of them, defended, mixed education, followed to their own homes, are found to be its bitterest enemies. Let the Protestant, let the Presbyterian, let the Catholic of social position stand up in this assembly, and declare that by preference, or at all, his own children, or those of his immediate circle, are sent to other than denominational schools. This is the crucial test of the sham to which we are here treated. Men believe, or at least assert, mixed education to be a very good thing for the poor, or for some one else, but to be a thing deservedly abhorred in the case of their own children. Let any of about fifty gentlemen, Commissioners of Education and their officers, members of the Senate of the Queen's University, and professors of the Queen's Colleges, all members or associates of this Association, here stand up and avow, if they can, that, in the infancy of their own children, or previous to the formation of their religious character, they place them in schools, or under teachers of a different faith from that which they desire them to profess. One of the present Catholic Commissioners of National Education, himself a graduate of Trinity College, swore before the House of Lords, in 1854, that he, for one, would not send his child to a Protestant school, and *mutatis mutandis*, every Protestant member of the Board, doubtless, would state the same. In the case of the middle and upper classes, intelligent, anxious, and educated parents, and having time and opportunity, would depute to no teacher, to no school, would leave to no clergyman the sole formation of the religious character, or the exclusive religious instruction, of their children. If the poor do not get the religious instruction and the training in the school, they get it nowhere. In every Christian land, therefore, the Primary School, universally called the Parish or Parochial School, marking its ecclesiastical character, whether in Calvinistic Scotland, Episcopalian England, or Catholic Ireland, is regarded as the porch of the Church. For this, in common with the Church Education Society, we, Catholics, plead; this we are resolved to obtain. The household

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of our own faith is the immediate object of Catholic solicitude; we cordially leave to others the feeding of the lambs of their respective flocks, praying that, at length, there may be but one fold, as we all believe that there is but one Shepherd.

One other and very important topic claims some notice. The mixed system banishes history from the school and from the university.

In the national schools there is not, nor could there be, any save very ancient history taught. The very highest reading-class book, the fifth, contains a large amount of historical matter, in which, and in the whole volume, the name of Ireland occurs twice, but only in a chronological table, once as having been conquered, in 1172, which happens to be false, and again, as having lost her legislative independence in 1801.

While neither the Queen's Colleges nor the National Board dare prepare a Primer upon history, upon the price list of the Privy Council denominational system in England, there are 104 works on history, by Protestants and by Catholics, or more than three times as many as there are volumes in the whole of the publications of the National Board in Ireland.

Desirous to avoid all grounds of objection, the force of which could be felt by Catholics only, I beg to summarise some of our common objections to the National System:—

First—Radical changes have been made in the National System, involving a breach of public faith.

Second—Not alone has the system failed to effect, to any great extent, combined or mixed education of children of different persuasions, but, from year to year, such mixture, in the one school, has become more and more rare.*

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* In Ulster, Catholics form 50·44 per cent. of the whole population, and Catholic pupils form 54·2 per cent. of the scholars in the National Schools. In Munster, Catholics form 94·2 per cent. of the population, and Catholic pupils form 98·8 per cent. of the scholars in the National Schools. In Leinster, Catholics form 86·6 per cent. of the population, and Catholic pupils form 97·32 per cent. of the scholars in the National Schools. In Connaught, Catholics form 94·9 per cent. of the population, and Catholic pupils form 96·88 per cent. of the scholars in the National Schools. On the whole of Ireland, Catholics form close upon 78 per cent. of the population, and Catholic pupils form 83·1 per cent. of the scholars in the National Schools. These averages would appear to suggest that Catholic and non-Catholic pupils are mixed, in every school, in the relative proportions now stated. So far, however, from this being the fact, that a Parliamentary return, moved for last year by Mr. Butt, shows that of the whole 5,496 National Schools, excluding 146 model, workhouse, and jail schools, only 2,752, or one half of them, had a second religious denomination of pupils upon their roll. Of these 2,752 mixed schools, 456 had religious minorities of a single pupil each on the roll; 390 schools had religious minorities of two pupils only; 268 schools had religious minorities of three pupils only; 201 schools had religious minorities of four pupils only; and 159 schools had religious minorities of five pupils only; leaving only 1,278 of the 5,496 National Schools with religious minorities of more than five pupils. Such are a few of the facts as to the thirty years' results of the mixed system in Ireland.

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Third—The common religious element in the books, which are now proved to be of the lowest literary character, is used, to the prejudice of religious minorities in mixed schools.

Fourth—Where the schools are composed exclusively of pupils of one denomination, which is the case in much more than half their number, the restrictions as to time, placed upon religious instruction and upon allusion to religious topics, are indefensible.

Fifth—Religious minorities determine how the school is to be conducted, Catholics, in Presbyterian Antrim and Down, and Protestants, in the three Catholic provinces.

Sixth—Combined secular, and separate religious instruction, the original principle of the system, was set aside in 1847, so that religious minorities now attend adverse religious instruction, the duty now devolving on the parent, instead of the patron or the teacher, to attend the school every day, or it may be, three times a day, in order to remove his children from under religious instruction different from that which they profess.

Seventh—Complete moral training is rendered impossible in a national school, "because," as Lord John Russell truly said, at the meeting of the British and Foreign Society, in 1857, "the difficulty is apparently got over, but in reality, only to fall into a yet more serious one—namely, that of attempting to teach morality, without admitting that all morals, and that our duties and obligations, are derived from a higher than natural source."

Eighth—History, one of the most important branches of human knowledge, and the staple of and stimulant to patriotism, is, and must necessarily be ignored, under the present system of so-called national education.

Ninth—As only a fraction of the schools commands a mixed attendance, the alleged beneficial influences of such admixture do not exist; and, further, it is in Ulster, the only province in which many of the schools are mixed, that sectarian strife and party feuds are most prevalent.

Tenth—The Reports of the Inspectors, the Returns of the Registrar-General of Marriages, and the general statistics of the National Board, afford concurrent proof that primary education is at a very low ebb in Ireland, notwithstanding the existence of the National System for thirty years, and the expenditure of £3,600,000 of State grants thereon, the only increase in literacy being, so far as official statistics reveal it, in the case of the criminal population.*

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* The Twenty-seventh Report (1860) of the National Board shows that, in the year ending 31st December, 1860, there were 5,632 schools, with an aggregate of 804,000 individual pupils on the rolls; a daily average of 510,638 pupils on the rolls, but an actual daily average attendance of only 262,823 scholars, or 32·6 per cent. of the total number on the rolls. Reckoning the number of school-days in the year as 216, this gives an average of only seventy days' attendance in the year to each of the 804,000 pupils on the roll. Of these 804,000 pupils, 38·1 per cent. are classed as learning the "Primer," containing words of one syllable only; 27 per cent. are classed as learning "Second Book," containing words of one syl-

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Eleventh—Outlying the National System, the Church education schools, the schools of the Christian Brothers, and other religious bodies, both of women and men, as also many other schools, impart an admittedly superior literary education to about one hundred and fifty thousand children, yet are denied all participation in the public funds, because of their firm adherence to the principle that religion is an essential and inseparable element in juvenile education.

Twelfth—Whatever has been done for the promotion of education in Ireland, has been, mainly, if not exclusively, effected through the religious zeal of the respective denominations, and it is, therefore, the duty of the State to second those efforts by common grants, uniformly appropriated, exercising the right of inspection, and exacting a fair standard of secular education, but leaving the religious element free, as being wholly beyond ordinary control or interference on the part of the State.

On the Disadvantages of Denominational Education as applied to Ireland. By Sir Robert Kane.

Having been occupied by my duties as an officer of another Section, I was prevented from attending the interesting proceedings which took place here on previous days, but, from what I read or heard of those proceedings, I believe that, in at least one not unimportant aspect of the great question of united or denominational education, the Department has not as yet had materials for a satisfactory conclusion, viz., as to the practical disadvantage under which denominational education would labour if authoritatively established in this country. I think it important that such absence of information should be, as far as possible, supplied, and I regret that the subject has not been dealt with by other hands. I can, however, fully appreciate in others the grounds for a reluctance which I so strongly feel myself, and venture now to offer these observations to the Section, only because I believe it ought to be done, and that my position as a Roman Catholic of the middle class, and as a proprietor and patron of national schools, will excuse my venturing to express opinions which I have formed after much consideration, and which I believe will be found to be those of a very large proportion of the Roman Catholic laity.

It will conduce to brevity and to clearness in my subsequent observations if I state what I consider a proper system of education, sup-

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lable, and advancing to easy narratives; 16·3 per cent. are classed as learning to read "Sequels to Second Book;" 12·5 per cent. are classed as learning to read "Third Book;" and 6·1 per cent. only are classed as reading "Fourth" and "Higher Books." This being the teachers' classification merely, it is not difficult to estimate the still lower percentage of pupils who would prove, on examination, able to read correctly in their respective class-books.

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ported or aided by the State, should necessarily secure:—1. That a child attending any school should be absolutely protected from all interference with his religious belief; that ample facilities should be afforded for his receiving instruction in the religion to which he belongs; that the sacred rights of conscience should not be in any form or manner violated. 2. That the plan of instruction adopted in the school should be the best and most complete of its kind that can be devised, having reference to the class and destination of the scholars, and being such as may tend most practically to fit them for their future position as members of families, and as citizens. 3. That the above requirements be secured by a system of inspection, frequent, exact, and entirely independent of the patrons, proprietors, or masters of the schools that are to be reported on. 4. That full and direct responsibility shall be secured on the part of all patrons, managers, or masters of schools, that their schools shall be conducted in accordance with those provisions. 5. That the above objects shall be secured so as to bring the benefits of education as far as possible within the reach of all, and that this shall be effected at the lowest possible cost, consistent with efficiently securing the conditions above described. 6. That the system of education supported by the State shall not be such as will suppress individual or independent effort, or deprive those who may, from conscientious motives, decline to avail themselves of its provisions, of the power of independent action. That is, that the action of the system established by the State shall not destroy the freedom of education.

I consider that the system of national education as carried out in Ireland, and now conferring on half a million of children the blessings of an education which equally in a moral, religious, and intellectual point of view, has excited admiration abroad and has inspired confidence at home, secures, in a full and satisfactory manner, the requirements above described, or, if it has imperfections, they are such as may be practically removed; whereas, as I believe, the denominational system, if authoritatively established, would lead directly to the violation of every one of these requirements, and could not fulfil any of the conditions on which public confidence should be based. It is assumed that, under a denominational system, as the action and influence of the clergy would be unlimited, a more perfect system of religious instruction could be carried out than is possible in mixed schools. On this account many most excellent and pious Roman Catholic clergymen desire the denominational system. But have those clergymen considered what would be the result if their wishes were carried into effect, and a denominational system established? They cannot expect that the efforts of Protestants for religious teaching would be arrested, or that Protestant schools would be suppressed, as Catholic schools were suppressed a century ago. The time has passed for that, and they should prepare themselves for the establishment, alongside their Catholic school, of a Protestant school, equally assisted by the State, supported by all the influence of the Protestant inhabitants of the district, and with

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all the inducements of the system of payment by capitation grants to increase the number of scholars by every means in their power. Are the Roman Catholic clergy prepared to meet and to overcome the gigantic system of proselytism which such an organization implies? Are the Roman Catholic laity prepared to acquiesce in the revival of religious rancour, of personal feuds, now so happily sinking into oblivion, but which would be relighted in every parish, in every homestead throughout the country, and would expose the Roman Catholic poor to such outrages upon their conscience and their faith? I feel sure that neither the one nor the other are so prepared, and that the Dead Sea apple of denominational education will inspire only disgust with both, when its true bitterness has become known.

The first and, perhaps, the greatest evil of a denominational system of education would be the immediate revival, in an exacerbated and far more effectual form, of the system of proselytism which too long disgraced this country; our religious feuds, now softening down under the beneficent charity of an united system, would be inflamed to a degree which would nullify all social happiness, and would seriously complicate the civil government of the country. It is a further disadvantage of denominational education that it necessarily prevents any co-ordinate growth of united or liberal education, and thereby utterly destroys all freedom in that regard. As long as public instruction is administered by the State on the principle of a liberal and united system, by which parental rights and freedom of conscience are carefully preserved, there will be found, both in the Protestant and Roman Catholic Churches, many persons who, from the most sincere and conscientious motives, will support schools of a purely denominational character, and for this purpose abundant funds, from private sources, will always be forthcoming. In the Roman Catholic Church this will be done by the religious order, to whom it is part of their sacred duty. If, therefore, any portion of the laity wish to obtain for their children denominational education, they can have it. But, if denominational education be once established by authority, what layman would venture to establish, or, if he did venture, with what prospect of success could he hope to establish a school, unless as permitted by the clergy? Repudiated by the State, and disapproved of by his Church, his means of living would be entirely at an end. No schools could exist except such as were conducted under ecclesiastical authority, and all freedom of education would be practically at an end. Denominational education is also disadvantageous, inasmuch as it destroys the independence of inspection, and thereby abolishes all practical security for the proper management of the schools. The inspector must be of the religion to which the schools belong. He must be appointed, if not immediately by the Church authorities, at least on their recommendation. He can only hold his employment as long as he shall be honoured with their confidence. His advancement in life, his promotion in his official career, will necessarily depend on

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the degree in which the authorities of his Church will interest themselves in his favour. What becomes of the independence of inspection under such circumstances? It becomes a farce. It is the clergy reporting on themselves. It is truly and practically total irresponsibility. I believe that experience in the sister kingdom has already shown the disadvantage of such a system of inspection for the object of practical control.

The denominational system is further disadvantageous, as tending to subordinate and suppress the unquestionable right of the parent to direct and determine the nature and extent of the education to be given to his child. By the very nature of the denominational principle, as regards Roman Catholics, the right of the lay parent vanishes; the right of the Church alone remains. In this regard it is necessary to consider that the relations of the laity and the clergy are entirely different in the Protestant and in the Roman Catholic Churches. In the former the influence of the laity reaches not merely to the control of discipline and finance, but actually to doctrinal considerations. In the Roman Catholic Church the influence of the laity is necessarily and absolutely null, as regards all that lies within the domain of the spiritual power. The only point open to consideration is the extent of that domain, and Roman Catholic ecclesiastical authorities consider that education in its widest sense, secular as well as religious, is by Divine ordination vested in their body. Of course laymen may be employed in education, if honoured with the confidence of the clergy, and may be consulted as to its arrangements; but they can exercise no control, even as to secular studies: their position must be entirely subordinate. Hence the administration of a denominational school by a committee, which in England, and in the Protestant communities, may secure the proper representation of lay interests and of lay ideas concurrently with the most extensive action of the clergy as to moral discipline and religious teaching, cannot be equally independent in the case of Roman Catholic schools, or in this country. A committee formed to administer to Roman Catholic schools would be selected by the ecclesiastical authority, and would represent exclusively ecclesiastical ideas. The mechanism which exists in the sister country, and wards off much of the disadvantages of the denominational system, does not exist here, and cannot be created. This fundamental difference as to the action and powers of a lay committee in England and in this country goes, however, much farther, and involves the question of finance, for the committee, as representing the funds contributed, according to the rules of the Committee of Council, by the locality has rights which would not exist here, where all the funds should practically be provided by the State for Roman Catholic schools. I do not consider the greater cost of the denominational system would be a valid objection, if thereby the greater efficiency of instruction, or more perfect security of religious belief should be attained; nor do I consider the fact that, under a separate system, nine-tenths of the public grant would go into the hands of the Roman Catholic clergy

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ought to be an objection, if the country could be provided with a better system of education by that means; but where, under the National System, the instruction given is of unquestioned excellence, and the arrangements for religious teaching and the security of conscience have been approved of and thought sufficient by most eminent, learned, and pious authorities of the Roman Catholic and Protestant Churches, and can be improved in any points in which improvements may be possible, then I say the people of these countries should not be further taxed for the extra expense of a system which can effect no good that cannot be as well effected by the present united system, but which would certainly become the fruitful parent of manifold evils, from which the present united system is free.

The denominational system, thus opening out a theatre of sectarian rancour and proselytism, wide-spread as the land, destroying all freedom of education, all opportunity for lay or liberal exertion, nullifying all practical efficiency of inspection or control, superseding parental influence, and absorbing parental rights, can it thus operate without danger of injury to those ties which have always associated the Roman Catholic laity and clergy of Ireland in mutual respect and love? Our country has been, from the time of its earliest celebrity as a seat of piety and learning, gloriously distinguished among the nations of the earth for its fidelity to the faith it has consistently preserved, and for its devoted affection for its ministers, whose ardent piety and many virtues gave them such pre-eminent claim to the respect and admiration of their flocks. Would it not be deplorable that any thought of separate or conflicting interests should arise to weaken that attachment, that identity of personal feeling and public policy which has conferred influence and happiness on the Roman Catholics in Ireland? Let us trust that such will not occur; let us hope that the union of clergy and laity which achieved the political freedom of the Irish people will not be endangered for the sake of a system of education whose operation on the continent of Europe,—where for centuries it held undisputed sway,—has certainly not resulted in satisfaction to the laity or in tranquillity to the Church; and in this country would reduce to dishonoured ruin that sacred edifice of civil and religious liberty, which, under the enlightened and venerated guidance of Doyle and Murray, of O'Connell and of Shiel, the patriotic struggles of the Roman Catholics of Ireland, clergy and laity, have built up and consolidated, let us hope, for ever.

The Half-time System and Agricultural Schools. By EDWARD SENIOR, *Poor Law Commissioner.*

BY the half-time system, as applied to the education of the poor, is meant a system under which half the time of the pupils is devoted to literary instruction and the remaining half to industrial pursuits. The problem to be solved is, whether so short a period as three hours

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daily is sufficient to teach a child the usual amount of knowledge imparted in the schools for the poor. Considerable light has been thrown on the question by a Parliamentary paper of last Session, (No. 167,) by Edwin Chadwick, Esq., whose labours are so well-known to the body I have the honour of addressing. In that paper, we find teachers of factory schools, of agricultural schools, and pauper schools, all agreeing, that not only do the children acquire as much literary knowledge when literary and industrial education are combined, and the time given to the former is limited, but that an actual improvement takes place. Mr. Tufnell, inspector under the Privy Council of pauper schools, gives most remarkable testimony in favour of the system. Miss Mary Carpenter, the highest authority on the education of the poor, says, "I propose that the factory half-time system should be extended to all schools where the children are employed at labour. An arrangement should be made between the employers and managers of the school, enabling the children employed in the factory or workshop to attend half-time;" and adds, "The chief problems to be solved are these:—1st. How to induce even very poor children to attend even a free school without compulsion. 2nd. How to induce the children to attend school regularly, and remain longer than at present, without bribery, which is now given by the Committee of Council. 3rd. How best to prepare the young person for his future walk in life." Miss Carpenter adds, "I believe three hours per diem of good scholastic instruction would be amply sufficient for the children of the working classes; but this must be supplemented in the case of boys by two or three hours of manual occupation, involving skill, exactness, manual aptitude, and, in that of girls, by needlework and other domestic occupations. This education should be combined till at least twelve years of age; and, if possible, until fourteen, when boys are apprenticed." She adds, "I feel confident, from my experience and observation, that the real education of the working classes would be improved by devoting three hours daily instead of five or six to direct intellectual instruction, the faculties of the children being strengthened and trained in other ways by industrial occupation, which develops many powers comparatively untouched by book learning. The education thus becomes more real, and the knowledge more fixed in the mind, and more likely to be permanently useful. Another advantage is, that the parents will have a distinct motive for regularity, and for sending the children to school, the earnings of the children being dependent on this."

The Poor Law Commission, of which I am a member, have expressed their views on this subject in a circular to their inspectors, dated 20th January, 1853, as follows:—"It has been observed that where the school hours have been limited, and the children employed in the open air, they have assumed a stronger and healthier appearance, whilst they have not fallen back in other branches of knowledge. The Commissioners believe it to be of the utmost importance that children who have to live by their

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labour should be trained to labour early. A boy who has not handled a spade at the age of fourteen will rarely turn out an active labourer, and that it is therefore most desirable that the boys generally should be accustomed to work at the earliest practicable age. It has been observed that the success of all benevolent institutions for the education of the children of the poor, at home and on the Continent, has in no small degree turned on the amount of industrial teaching provided for the children, and that those institutions have been less useful where the chief efforts have been directed to literary attainments. The guardians should, of course, provide the necessary agricultural implements suited to the age and strength of the children."

The following is the testimony of Dr. Kirkpatrick, head inspector of agricultural schools, on this subject. He says :—"I have been nearly thirteen years under the National Board and for several years previously was manager of the Larne National Agricultural School. I think that from three to four hours daily would enable boys of the labouring classes to acquire a sufficient amount of literary instruction for their rank of life. I find invariably that the agricultural class of a school turns out the cleverest boys in the school as to pure literary knowledge, and that was my experience at Larne, and especially in workhouse schools."

Mr. Thomas Baldwin, one of the lecturers on agriculture under the National Board, has also given evidence to the same effect as follows:—"I am a lecturer on agriculture over the Glasnevin Institution, which all trained schoolmasters under the National Board are required to visit, and at which seventy-five pupils are trained with a view of their becoming stewards or farmers. These pupils receive about four hours' daily literary instruction, and about six hours' in the science and practice of agriculture. I find that with these limited literary hours the pupils make equal, if not greater, progress in education, as compared with those who spend their entire time at school. I can speak from my own experience, that the knowledge which is fixed and acquired with secular matters is more valuable and remaining: and I have thus acquired my own knowledge. This is in great part due to the fact that the boy who is practically engaged works with the full conviction of the value of increased scientific knowledge of his own business. I have visited from thirty to forty agricultural schools under the Board, and I have no reason to believe that they are, to say the least of it, below other schools not agricultural; and I find that the combined training has a decided beneficial effect on the whole character of the pupil—sharpens the perceptive faculties, gives strength to the mind, and enables it to effect certain ends with the means at its disposal. I find that at the competitive examinations for pupils who desire to enter the Glasnevin Institution, the majority who are successful have received this combined education. There are several reasons why I believe it to be most important to afford the rising generation of small farmers and labourers in Ireland a combined system of literary and industrial education. The first is

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the peculiar position of Ireland in regard to the implements and machinery of husbandry; it is found that the use of these requires greater mechanical skill and knowledge. Speaking from experience, I have seen cases where modern machinery, which is always economical in the hands of skilled labourers, turn out unprofitable in untrained hands; it follows therefore, that our labourers must be trained to meet those wants which the modern practice of agriculture requires. We must impart to them some knowledge of the principles of mechanism to excite in them an interest in the work. Secondly, I believe that the principles of skilled farming are more susceptible of being imparted at school than those of any other art or trade; and speaking again from experience as a working farmer's son, I can say that the radical errors of Irish husbandry could be easily avoided by imparting in youth some elementary scientific knowledge. I have visited several Irish workhouses; amongst others, the North Dublin and Lismore, where the half-time system is in full operation, and comparing the intelligence of the children, and especially the practical knowledge which they possess, they present a very favourable contrast indeed with the children of the same age and circumstances reared at home. I have had a large experience with the poor in the neighbourhood of Dublin, and have paid, I am sure, a thousand visits to them; and I was much struck with the contrast of the want of intelligence shown by them as compared with those brought up to a useful occupation. In the minds of the former children I have rarely discovered any useful ideas, and it was with considerable difficulty that I have been enabled to induce them to take to any species of industry, and it is deplorable to witness their apathy and dislike to all continued exertion. In conclusion on this point, I would say that it is rare to meet any children in this hopeless condition that have ever been brought up to any useful occupation in childhood. I have got returns from the forty teachers of small country agricultural schools, and have tabulated them. I find that after paying all extra charges, rent, taxes, &c., they have made an average net profit from the land of £16 12*s.* per school-farm, the usual size being seven statute acres. It is impossible to over-estimate the importance of these small model farms, whether as examples of agriculture or as trainers of skilled labour. I am sure that four hours' literary labour combined with two hours' industrial labour would be a most useful change in all the rural schools under the Board."

Dr. Kirkpatrick, in his examination before the Committee of the House of Lords of 1854, on National Education in Ireland, produced the following letter from the Rev. Robert Park, Presbyterian clergyman in Ballymoney, in the county of Antrim, as bearing on this subject. It is dated June 23rd, 1854:—

"My dear Sir,—Some years since the Rev. Dr. Begg, of Edinburgh, visited with me the poor law union workhouse in this town; he was struck particularly with the arrangements for the instruction of the boys in trades, and for their training in agricultural pursuits. When last I met him in Scotland, he inquired as to the success of

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the experiment, and it gratified me much to be able to report favourably. Aware of your deep interest in these arrangements, especially with relation to agriculture, I beg to mention some of the grounds upon which that report was given, confining myself to the department with which you are concerned. The first and obvious is, profit to the union. You are aware that the farm connected with the workhouse here is very limited, extending only to thirteen statute acres; nearly the whole of the work in its cultivation is done by the boys, aided by a few infirm old men: there is not a single able-bodied pauper in the house. These boys were thirteen in number during the last year, and their average age eleven years. Yet I find from the Ballymoney workhouse farm account, from the 25th of March, 1853, till the 25th of March, 1854, that the balance in favour of the union is £144 2*s.* 8*d.* I know that this large sum is due mainly to the excellent system of cropping pursued by the master of the workhouse, and to his judicious management of the stock and farm produce, for which, by the way, a handsome gratuity was awarded him last year by your Board; but without labour this system could not have been carried out; and of this labour the greater part was by boys, who under different circumstances might have been a charge upon the public, and a curse to society. The boys themselves are much benefited in their health. I have no hesitation in saying that the open air exercise on the farm is a corrective of the injury to the constitution from the confinement necessarily consequent upon the workhouse system. The more robust appearance of the boys so employed, compared with girls of the same age, who are more within doors, strikes every eye. But this health is not obtained at the expense of their literary progress. The boys employed on the farm are obliged to attend school three hours each day. They are there taught the elements of a useful education, and receive occasionally, through the excellent publications of the National Board, lessons on the science and practice of agriculture. The alternative of farm labour and school business prevents the mind and body from being too much fatigued by either employment, and prepares them to receive greater advantages from both. Their useful preparation for after-life is not to be overlooked. I have often admired the expertness of the boys in the use of their implements; their quickness to receive, and their readiness to carry out directions in farm business; their anxiety to make themselves useful in the different departments of field labour, and their efficiency in its general employment. These must tell favourably on their position in more mature years. The result of an experiment of last year has gratified me exceedingly. A small portion of ground was allotted to each boy, which he was to cultivate, crop, weed, and manure, being supplied of course with the necessary seeds and manure. It was to be a voluntary exercise; a small sum, which you were kind enough to appropriate as rewards for the most efficient management, being the only pecuniary inducement. The boys have been taught something of personal independence, and of self-reliance, have been

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stimulated to diligent persevering exertion, and have been encouraged in friendly rivalry to excel in what must be useful in after-life; whilst a moral advantage has followed. Instead of their leisure time being devoted to idleness and its necessary facilities for evil, it has been employed in the formation of habits whose influence may tell upon many succeeding generations. There has been some advantage to the farming class in the district. I do not ascribe it altogether to their training that the workhouse boys have been, and still are, anxiously sought after as farm servants. Labour at present is hard to be obtained, and from every quarter is the supply sought; but I have no doubt this preparation commends them to many, and awakens greater anxiety to obtain their services; and so far, I believe, they have given satisfaction to those by whom they have been engaged. I do anticipate still greater beneficial results when the agricultural model school, in progress of erection, and whose grounds adjoin the workhouse farm, is in operation. Upon the whole, I would be delighted were the system of agricultural training, which is carried out in the workhouse, extended to the children of our small farmers. Whilst I remark some progress in the management of their holdings, there is still much required to raise our district to a level with other portions of the empire. As confirmatory of the views I have above referred to, I take leave to add a copy of the report of one of your agricultural sub-inspectors, given this day:—'The management of the Ballymoney workhouse farm, for system and efficiency, is almost beyond praise; and to any person feeling an interest in the welfare and industrial progress of this country, an examination of it would afford unmixed satisfaction. The boys, thirteen in number, whom I examined in the agricultural class, evince a very fair amount of improvement, considering their age and literary attainments, and they seem perfectly to understand the routine of management in which they are required to assist, and the value of the excellent industrial 'training they receive.'"

I have personally had large and long-continued experience on the subject as inspector of workhouse schools in England and Ireland. These buildings in Ireland are usually surrounded by eight acres of land, and I introduced nineteen years ago the rule of having the children for three hours at school and three hours at work on the workhouse farm. When I commenced this I found considerable opposition on the part of the teachers from the apprehension that the literary instruction would fall off, but they soon found to their surprise that the intellectual powers were developed and the boys became more healthy, intelligent, and docile.

Of course the employers of labour prefer boys so trained, and the only evil we incurred was that they were taken away from the school at eleven or twelve—too early an age. Again, in early youth it is important that the hours of manual labour should be short,—the muscles of a boy of ten soon become fatigued if worked too long, and he acquires the premature stoop, the evidence of early over-training.

As regards the literary training, in like manner I suspect that the

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amount of time during which a child is capable of close attention is much more limited than is generally supposed, and that of the six hours' school, nearly two or three hours are real literary labour, and three or four enforced sedentary idleness in bad air and confined position, and hence the distaste which children of the poor often have to all literary exertion; and they feel as all people do, an abhorrence to what they have been dosed with. But mental work rests the body and bodily work rests the mind. A boy enjoys his escape from a crowded schoolroom to the open air and his spade. Ireland offers peculiar advantages for uniting literary and industrial training under the National Board, with the advantage of a corps of agricultural inspectors, and where pecuniary help is freely given when the patron of a school wishes to make an agricultural school and to have a class in scientific and practical husbandry. To carry these out, however, with full success, the school hours must be shortened. I was formerly the patron, in the north of Ireland, of such an agricultural school, but I found that the master's efforts were much hampered by the long school hours; and I am, moreover, under the impression that the literary inspectors under the National Board do not in all cases encourage the formation of such schools, and, doubtless for want of sufficient information on the subject, are disposed to discourage all attempts to shorten the hours of literary labour. The best school I ever saw was that at Larne, county of Antrim—a combined school which was far beyond any purely literary school in the neighbourhood. Moreover, if any population requires a mixed school, it is the Irish, whose heads are much more intelligent and apt to acquire literary knowledge than the English, but whose hands are remarkably awkward and lazy. Labour, in Ireland, whether skilled or unskilled, is both dear and bad, and the want of good labour lies at the root of all our difficulties.

From a table to a plough most manufactured goods are brought from England, because they can be obtained cheaper and better in England than in Ireland—cheaper because the untrained, untaught Irish labourer requires constant supervision, whilst the English workman is proud of his skill. No farm pays in the hands of a capitalist here, as he must employ per acre double the number of hands necessary in England. Train your labourer from early youth, give him an interest and knowledge in his work, and the productive value of Irish labour will be enormously increased, and with it must rise the social state of the people at large.

Workhouse Education. *By* Louisa Twining.

In order to estimate aright the results and effects of workhouse life and education, we must endeavour to examine into its first beginnings, and trace out the early management and training that is bestowed upon the yet young and tender being, which so easily receives impressions, either for good or evil.

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Let us, therefore, look at the different kinds of education provided by the poor law, and by those who have the practical carrying out of it through the country.

(1.) There is the plan most generally adopted for the education of pauper children, viz., workhouse schools, under the same roof as, and in direct connexion with, the workhouses. This plan has been in operation ever since the New Poor Law Act, when it was supposed to be perfected in the improved accommodation provided in the new workhouses for schools. The present views and results of workhouse education were not then known or appreciated, which is much to be regretted, because such an opportunity of inaugurating a new and improved system will never again occur.

The main objections to these workhouse schools may be briefly stated to be:

First, the keeping up of a condition of pauperism in the children, by the associations of the workhouse, and the evil influence of the adults upon the young generation.

Second, the impossibility of teaching useful knowledge to fit the children for practical life, without the contamination of the adults. Besides this, the scale on which all industrial occupations are conducted in large establishments renders them quite unsuitable as training places for the small families and households into which the girls are sent as servants.

These objections have been so frequently and strongly stated by school inspectors during several years, that it is hardly necessary to attempt to prove them here. It may perhaps suffice, if I endeavour to give some reasons why the workhouse is altogether an unfit training place for children.

From its infancy, in the workhouse nursery, the pauper child is in an unnatural and debased position; and it is deprived of all the influences and blessings of family life and healthy training, and most probably, even of motherly love. The attention of persons has within the last few years been directed to the condition and aspects of infant nurseries in workhouses, with their joyless atmosphere, and bare, blank, whitewashed walls,—the cross, aged pauper nurse, and the total absence of all toys, and brightness, and joy; and perhaps the still more dull yard as a playground, with its high walls and cold pavement. In such a room as this twenty little creatures have been seen, standing demurely in the middle of the floor, one of them holding up, with a faint smile, the limbless trunk of a doll to the admiring (or perhaps pitying) gaze of the visitor. Oh! many and many a heart amongst these visitors has ached and mourned over such joyless, stunted specimens of infant life; mockeries they seem of the free, bounding, healthful existences which God created and intended them to be. True, it may be in a great measure the sins, or the vices, or the sickness of the parents which have been entailed on their offspring, and have brought them into this position; but is it for us to visit the sins of the fathers upon the children, and doom *them* also to an existence of depressed and entailed pauperism,

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which will too surely cleave to them, as it has, in some instances, to generations before them?

The associations thus begun in infancy in the workhouse are carried on into the school life. Communications with the adults, and the influence of the low tone and morality of pauperism are inevitable. The mere learning in school is insufficient to obviate or overcome it, and the teachers strive against it in vain. When the girl's education is considered to be complete, there is indeed no difficulty in placing her out in the world, such is the demand for servants of every age and description. But it is only the lowest class of employers who come to seek their drudges at the workhouse school, and few indeed are those children who are able to remain many months in their first places. Incapacity for useful work, or failing health, or pining for "home," (even though in a workhouse,) probably cause the child to return ere many weeks are past; and then most likely begins her life in the adult wards or infirmary, with their miscellaneous and contaminating company. Such is too often the first result of workhouse school education, with its head learning, but its total want of *heart* cultivation and influence, as well as of useful, industrial knowledge.

(2.) Another and a very different system was introduced by the establishment of district schools, when several unions combined to send their children to one large and newly-built country school. This plan was begun as long as thirty years ago, when pauper children were farmed out at Norwood, under the care of Mr. Aubin. This institution was removed to Hanwell five years ago, and was the first of those schools which now exist round London, numbering in the largest eight hundred or one thousand children; Hanwell is built to contain sixteen hundred, though it is not now more than half filled. The *advantages* of this plan are, the separation, to a great extent, of the children from their relations and connexions, and from the associations of the workhouse and of pauperism,—the healthy country locality, and the employment of a superior class of teachers.

Far greater facilities are offered for good industrial training in schools of large size, especially for the boys; as, for instance, in the teaching of music. When the master is paid £50 a year, this could not of course be done in a small or separate school. There are also these advantages,—the children do not probably go into places in their old parishes or neighbourhoods, which is found to be very objectionable, and they are scattered over a larger area. And besides this, the managers are selected from amongst the different boards of guardians, with some reference to their fitness for the office. I am inclined to think that if district schools were limited to five hundred or six hundred children, they would probably be the most successful of all the plans for pauper children, at least for those of large towns. In the rural districts they would not be practicable, and there smaller "Homes," at least for the girls, would be far more desirable.

The *objections* may be thus stated. First, their large size, in consequence of which the children in masses are apt to become like

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machines; and the industrial work, conducted on so vast a scale, is very different from what it is in families and small households. In some schools these defects are obviated more than in others, but they cannot be entirely overcome. The effect of the large numbers on the minds and hearts of the children is, I believe, as injurious as to their industrial education. And what I am now saying is especially applicable to the *girls*. There can be no individuality amongst them, and no possibility of individual treatment, and adaption of means to individual characters. A truly conscientious teacher once said to us, "We may know their faces, but what can we know of their individual minds and characters?" For girls to be thus lost in masses is fatal to the development of their moral being. The affections, so all-important in a woman's character, can have but little play here. There must be indeed a wonderful amount of love and devotion in the hearts of the paid teachers to expand itself over hnndreds of uninteresting pauper children, many of whom are only temporarily under their care. The amount of learning that is imparted is indeed often astonishing, but we have yet to find that hearts are reached by this system; and however successful it may appear to have proved for the boys, I have grave doubts whether it can ever be carried out for girls, whose spheres of usefulness in life are widely different, and where the *home* should ever be considered as the end and object of their training.

The results of district school training might probably be more successful if the orphan or permanent children could be entirely separated from the rest. An attempt is made to ensure this separation, but in no case is it completely carried out, and the children entering the school for short periods cannot fail to do much mischief to the others.*

(3.) Another kind of school is the separate, but not district school, one parish or union sending its children out into the country. These are, of course, much smaller, numbering perhaps not more than two hundred or three hundred children, and for this reason they appear to offer a more hopeful prospect of success.† There are several of these in the neighbourhood of London; and, with proper management, there is every reason to hope that the children thus educated would be well placed out in service, and effectually emancipated from pauperism. The great evil in all these schools is the

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* At Birmingham this is done very effectually, both with boys and girls, who are not allowed to enter the schools till they have gone through a preparatory training. See Mr. Bowyer's Report for 1861, in the *Journal of the Workhouse Visiting Society*, No. XIV.

† I am sorry to appear to differ in this opinion from that expressed in the last Report of the Metropolitan Poor Law Schools by Mr. Tufnell (see *Journal of the Workhouse Visiting Society*, No. XIV.); but I cannot help thinking that all theory and experience are on the side of smaller numbers of girls being brought together, and I have a strong impression that results will be found more and more to confirm this theory respecting moral and individual influence in the training of girls.

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sending out the girls too young, and to places for which they are unfitted by age and inexperience, owing to the present demand for servants of all ages. Children of ten or twelve years old are sometimes sent to service, with what amount of training can be imagined by those who know what the material is to begin with and to be worked upon during the short space of time allotted to education; and the consequence is most probably a speedy return to the school or to the workhouse.

(4.) Then there is the last invention, or shall I call it innovation, of modern times, the "*Home*" for workhouse girls. The efforts are at present too recent, as well as too few and scattered, for us to speak fully of anything like results. But we cannot express too strongly our faith and hope and confidence in the soundness of the principle which is developed in these experiments.

It has been objected to the smaller schools, of which we have spoken, that they have been less efficient, because they have less expensive teachers, and an altogether inferior staff to that of the larger schools. Here, however, in the Homes, we have a new element introduced, viz., the voluntary principle, which has been, I believe, the main source of the success of the reformatory movement. The hearts and natures of pauper children are not less accessible to influences of this kind than those of criminal children, and the lesson should not be thrown away upon us, seeing how many failures we have hitherto had to deplore. In the "Home" there is the possibility of teaching on a small scale those things which the girls will have to do in after life, so that not only does this institution offer the best chance for their industrial teaching, but for their moral training as well, upon which alone future success must depend. When we consider how many of these children have never known a home or a parent's care, we can surely estimate the blank that must exist in their moral being; and how to fill it and supply the want must be our first consideration. In all the different kinds of schools I have mentioned, we might endeavour to remedy this defect more than we have hitherto done, by admitting a voluntary interest and sympathy from without, which has hitherto been repelled and checked, rather than invited and encouraged. It is only quite recently that toys and games have been introduced into some of these schools, that demand of the moral nature of children not having been taken into account by gentlemen managers or certificated masters and mistresses, who were supplied ungrudgingly.

We are bound to confess that the results of all these efforts are still far from being satisfactory. The utter helplessness and incapacity of workhouse children has become almost proverbial, and needs no fresh proof. Their acquaintance with life is bounded by the four blank walls of their school and dormitory, and their dreary yard called a playground. They are sent out into the world in utter ignorance of home life, knowing nothing of the value of money, or of management of any kind; washing has in some instances been lately added to the list of their acquirements, but of cooking or common

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household work they can still learn nothing in a workhouse. When we add to this their frequent hereditary defects and weakness of body and mind, we can well comprehend the complaints so often made by their employers, and their too frequent return to the workhouse in consequence of failure.

Guardians are often reproached with a want of liberality and a grudging economy, especially with regard to education; but no amount of expenditure on their part could render a workhouse training desirable for childhood. In the district schools money has not been spared; but, perhaps, a reckless and large expenditure is not after all the most desirable example to set before those who ought in after life to practise a careful and strict economy, both in the households where they serve and in their own homes.

I cannot conclude this brief review of the various means of training provided for our pauper children without alluding to the condition of those who leave the schools and go out to service. This time may be said to be the turning point of the whole life, and, if careful attention is not paid to it, the previous expenditure will probably be entirely thrown away. To emancipate a girl at the age of fourteen or fifteen from the strict rules and discipline and restraint of school, and launch her into a totally new and untried world, standing alone, as she probably does, without friends or relations, is, as we can easily imagine, a most perilous risk; and we cease to wonder at the results which are but too often reported as the consequence.

The protection given to these children, sent from the workhouse schools, is a visit from the relieving officer of the parish or union once in six months perhaps, if the child is placed within a distance of five miles. In the case of district schools an improvement is made upon this plan, by a system of visitation by the chaplain to all those who go to service, for two years after they leave school.

But here again a great addition might be most advantageously made by an introduction of the voluntary principle, as has been proved at Bristol, by the ladies who have undertaken to visit and superintend the children who leave the workhouse schools.* It is obvious how much they are able to do in the way of prevention which cannot be done otherwise, and how many may be saved by such simple measures from a return to the workhouse, or a life of sin and misery outside.

I have lately seen the results of pauper education estimated by the numbers of those who actually return to their workhouses, either from vice or incapacity. But this is far from being a satisfactory proof of the question. Statistics furnished by prisons, penitentiaries, and reformatories, would give a more correct insight into this matter, and would, I fear, present a very fearful and awful picture of the condition of the girls and young women who have, during some

* See Reports in the *Journal of the Workhouse Visiting Society*, Nos. XI. and XIII.

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period of their lives, been supported by the public money. And* besides those who can be accounted for, we may surely reckon a large number who are lost sight of in that abyss of sin and vice for which recruits are furnished chiefly from the ranks of the orphan and the destitute.

A voluntary interest in, and inspection of, the schools by those who would afterwards carry on this interest, would be an immense gain, and it is almost the only hope that I can see for those poor girls who are now launched so helplessly into the world.

It seems to have been overlooked by those who have in a great measure provided so carefully for the education of a portion of our pauper children in separate establishments, that even the best of them must be occasionally leaving their places, and thus be temporarily, at least, without a home. To bring these, as at present, into the London workhouses, where no fit accommodation is provided for them, is to undo all that has been previously done for them. There is no ward in such institutions for decent girls; destitution being the test and the cause of their admission, they are classed with others, no matter of what character, or age, or previous condition and habits. The usual employment for such is oakum picking,—I say usual, but in some few workhouses the occupation is objected to, and other work provided; scrubbing and cleaning is, however, the only alternative, and rarely have I found an attempt made to teach even the common rudiments of sewing, which, being a womanly occupation, might be supposed to fit girls in some measure for domestic service.

Till, therefore, better classification, supervision, and industrial employment can be provided in workhouses for those who have not yet lost their character, there seems to be no hope for them but to provide outside the walls that protection which is so necessary. There must be times when even the girls best brought up in district schools will be changing their places, and the poor wages they receive will not enable them to provide themselves with decent and respectable lodgings. If two-thirds of these pauper girls are orphans and homeless, what can we suppose becomes of them when they leave their situations? Rarely are they able to pass directly from one to another, for few mistresses will allow their servants to go out and search for a place before leaving them, and frequently the want of proper clothes obliges them to return to the only home and friends they know in the workhouse.

To force these, then, at once into the company of the reckless and depraved, seems to be as short-sighted as it is cruel and expensive, and I would urge the consideration of further plans like that commenced by the Workhouse Visiting Society in their Industrial Home for Young Women, in order to save these girls from inevitable ruin.

There are surely bad ones enough amongst the already depraved

* A young girl in prison made the following remark to a visitor: "I never did no good after I was once in the workhouse." To this she evidently traced the beginning of her life of crime.

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and fallen, who baffle all efforts for their restoration, without our adding to the number by wilfully placing those who are yet comparatively uncontaminated in positions of danger, where their fall is almost inevitable.

Let the improved district and country schools be supplemented by homes, where those who are out of place may find a safe refuge; let such homes be sanctioned by the Poor Law authorities, and partly, if not entirely supported by the poor rates, and let private charity and interest do the rest, and have a share in the management, and we shall then have provided, humanly speaking, as far as we can in justice and mercy, for the protection of those who are under the care and guardianship of the State, and for whose welfare, temporal, moral, and spiritual, we shall therefore be held accountable.

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*On the Advisability of introducing District Pauper Schools into Ireland.** *By* Barbara Corlett.

When the deplorable condition of the Irish labouring class, as immigrants in England and Scotland, becomes understood in Ireland as the result of neglect and mismanagement at home, there will be reason to hope a radical reform of the early training of the people will be taken honestly in hand, the origin of the state of things fairly investigated, and a better system applied, which shall promise another end for our population than the lowest position in the economy of the nation. Meantime the readiest improvement, and apparently the easiest, is to provide a good bringing up for our infant paupers. The model for us exists in the district schools of the English unions. Before bringing them under discussion it will be needful to advert to the condition of things in Irish workhouses. The Irish Poor Law is acknowledged to be the most admirable enactment ever devised by a Legislature for the relief of the poor. The evils arising from it are not inherent, but the effect of the past state of the people. Commenced in an emergency of great distress, and followed closely by the terrible and unforeseen visitation of famine, it bore the burden put upon it, though maintaining life in the pauper brought about the destruction of another class—that of the old gentry, who were ruined by the sudden pressure of pauperism, and the compulsory Act for its relief.

In the disastrous years when the Irish Poor Law came into operation, and up to five years ago, when a wholesome condition of things began to approach, the poor outside were living in a manner to which entering the worst administered workhouse in the kingdom was changing to residence in a palace with the food of a king. The dis-

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* The experiment of district schools, tried in Ireland, proved a failure: there was no special industrial or agricultural training, and the staff of teachers consisted simply of schoolmaster and schoolmistress. No resemblance whatever appears to have existed to the district schools in the neighbourhood of London.

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orders now supposed to be the reproach of the Poor Law existed abundantly. The pauper population lived as mendicants, and disease, scrofula, and hideous deformity were prized and cultivated as so much capital for these traders, as the means of extorting alms, by exhibiting revolting sights to the well-dressed or tender-hearted. These wretched people became inhabitants of the poor-houses. The conacre class, who were so far less beggars by having cabins, followed them in. We know something of their domiciles—the artificial swamp before the door, the walls damp and green, the decayed thatch full of hollows, and fringed with a crop of grass. If the mendicant possessed a home to retire to after the wanderings of the day, it was constructed at an elevation of four or five feet from the ground, which was excavated to enable him to stand upright. People born and living in this unsanitary state, and their children having the hereditary taint in the blood, were crowded into the workhouses; the diet-sheet was made to match, as nearly as possible, the quantity and quality of diet in use outside; the privilege of locomotion in the open air was cut off by locking the paupers up in long, low-roofed wards, with whitewashed walls; beds, laid on the floors, were forced to accommodate from two to four persons; sanitary regulations and common decency hardly regarded. The only results which could be expected followed. Fever first, then atrophy, scrofula, and ophthalmia, converted the workhouses into hospitals. This was the state of things in the country.

In the towns the same things existed on a larger scale. There were forty or fifty inhabitants to each rickety building in the purlieus of each city, without the access to the fields, or the prospect of getting into fresh air. When admitted to the workhouse, they were proved to be mostly pure hospital cases; their skin diseases were such as the lowest districts of cities produce, and developed into the worst forms of ulcer, gangrene, and tubercular affections. Our poor-houses contain children in numbers scarred by scrofula, and blind by ophthalmia. In Ireland this state of things has been universal, not partial, as it is in England, where the child's settlement affords a pretty fair index to health or disease. In the district school for North Surrey, at Anerley, these foul skin complaints are comparatively infrequent. In Forest Lane, supplied from settlements about Whitechapel, freedom from them is rare. In tracing the cause of this state of things, parentage is the first solution of the difficulty.

Pauper children are found to be orphans, deserted, illegitimate, the children of felons, of persons physically disabled, often of idiots. To this descent we must add the immediate condition of the parents acting on the child, the infirmities consequent on degraded lives, poor and irregular food, and unwholesome homes. Where a child enters the workhouse through misfortune or sudden impoverishing of the parents, we are at once offered a test of the value of decent habits, orderly life, and properly kept persons, by finding the child exempt from foul disease, and having a pure skin. It is a mistake to ascribe disorders prevalent in workhouses in Ireland to diet, air,

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and regulations; but these are undoubtedly the exciting circumstances which develop the disorders. In the classification of causes of death in Irish workhouses in the latest report, cancer occurs in 122 cases; consumption, 730; gangrene, 24; scrofula, 178; ulcer, 52; atrophy, 642. The number of persons losing their sight during the year 1859 through ophthalmia was 35; the number of children afflicted with this disease in the same year was 2,372; adults, 5,999; the number of cases arising inside the workhouses, 3,001; the number labouring under the disease when admitted, 2,940. The returns are not strictly accurate, but are sufficient to prove the existence apart from exciting causes of morbid predisposition.

Cork Workhouse has attained considerable notoriety for disease, but as a building there is little to account for it. It is built in blocks, each occupying a separate field, the whole surrounded by the outer wall; thus the men's house, the women's house, the children's house, are distinct buildings. Externally, it is well placed, the appearance neat, the material (white limestone) unobjectionable. But internally the absence of bedsteads and the want of the regulations that control hospital wards appear to be the fruitful sources of skin and eye diseases. Walking through the sick children's wards, I noticed the beds were ranged opposite to the broad windows bare of blind or curtain; a nurse was removing the dressings from the eyes of a little girl suffering from acute ophthalmia; the sun was shining in with the bright splendour of a fine May-day, through large, clean, glass panes; the child screamed wildly as the light struck her eyes. Possibly it did not occur to the guardians that during the forty-four days of a bad case the strong concentrated light and the whitewashed walls were powerful anti-curative agencies. In the English district pauper schools ophthalmia is now considered highly contagious, the children suffering from it are placed apart in sémi-darkened rooms, and the glare in all the dormitories reduced by painting the windows with green, which has been found, with the other sanitary regulations, entirely to remove the disease, and hinder it from arising in the school. I asked Mr. Aubin, the late superintendent of Hanwell School, what diet he used with scrofulous and ophthalmic cases, and constitutions having that tendency. "I give them plenty of meat," was his reply. "Do you find it effectual as a remedy?" I asked again. "Oh! yes, it seldom fails," he answered. Now, this is treatment our guardians do not apply, nor ever will, until they learn the doctrine that prospective economy is as profitable as present saving.

With regard to education, book-learning in the poor-houses, as conducted by national school teachers, is admirable; the only defect is, that it results in attainments far beyond the wants of a pauper child, giving an unjust advantage over the labourer's family. Respecting the moral state of our children, I believe it to be satisfactory, and should be sorry to convert them to out-door paupers, or to see the organization of an extensive system of industrial schools relying on compulsory rating or Government support. Such a proposal for workhouse children is at least fifty years too soon. We

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have still the unwholesome peasant domicile, the bad and irregular food, the filthy habits, the whole family of the cotter sleeping in the same bed, the entire absence of decency in many instances, and not much regard to it anywhere. In towns, "one day spent amongst the scenes occurring there is more demoralizing than, with all its disadvantages, a life spent in a workhouse." * Our plan is, not to send them out to renew and re-create perpetually a pauper and criminal race by mixing with the degraded poor, but to train them into a respectable labouring class, skilled with their hands, intelligent, and moral. Now, the Irish workhouse children, though much better off than the similarly circumstanced English children, are unfavourably situated. The fact of their being herded together, in itself injurious, is made more so by being an idle, unoccupied herd, without an object, without toys, games, or work to arouse dormant faculties. The head knowledge is excellent, but there is no direction in the use or application of it. Virtue is inculcated as a theory, without an opportunity of practice. The provision for these children is a miserable prospect, at best a doubtful one. Some poor person calls at the workhouse and selects a boy or girl as a mere drudge. If to a trade, the boy is bound by indenture for five years, but seldom does he learn the trade. Taken as servants, they are bound for one year, are overworked, and ill-cared for. A relieving officer calls occasionally, but has no local knowledge to enable him to find out the true state of things. No master or mistress is held to the indentures, or prosecuted for violating them: if not approved, the boy or girl is sent back, or runs away, and returns to the workhouse. They have no practical knowledge when they go out, and the master or mistress is too poor or too indifferent to teach them. Girls thus grow up looking on the workhouse as their home, take no interest in a situation, and generally no interest is taken in them. They go back to tell others news of a life not at all edifying; many leave places and return to the house five or six times in the year.

The only safe remedy to be resorted to for many a year to come will be to introduce district pauper schools, and to make the Acts for them—7 & 8 Vict. c. 101, and 10 & 12 Vict. c. 87—compulsory on unions, empowering the Poor Law Board, as recommended by the Education Commission for England and Wales, to order the building, hiring, or application of standing workhouses to the purpose of separate schools. The Commissioners further desire to enforce separation between child and adult paupers, to preserve the young from the pernicious influence of the old, and especially from the contamination of the parents who are known to belong to the criminal and depraved classes. Ireland owns 163 workhouses, built on a costly plan, and now nearly empty, so that erecting or hiring will be unnecessary, and we shall only have to disengage a few of them from mixed inmates, choosing the most favourably circumstanced spots for the schools, situated, as the Commissioners further recom-

* O'Connor's "Seventeen Years' Experience of Workhouse Life in Ireland."

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mend, at not less than three miles from any workhouse for adults. There are no available means for stating the exact number of pauper children in Ireland, the returns placing them in the same columns with sick persons; but they must amount to about 17,000, so that twenty-five of the existing workhouses should be given up to them. The English district schools are in number six, the separate schools nineteen. The district school is industrial, and is situated in its own farm land, supplying from its internal resources and industry every article used, (except the machinery,) and providing everything consumed by the inmates in the same way. The staff for the boys would be schoolmaster and assistant, shoemaker, master tailor, painter, carpenter, smith, drill-master, band-master, agricultural trainer. For the girls—schoolmistress and assistant, needlewoman, cook, scullery-maid, dairy-woman, laundry-maid, and a staff of nurses for the young children. Introducing industrial training into Irish workhouses, often attempted, has commonly failed; indeed, making shoes and coats has been derided as waste of good leather and frieze. Another reason for discountenancing it is a supposed tendency in it to turn out mock tradesmen instead of real. It generally is found that the boys follow the trades selected for them in the schools, and this to their own great advantage, becoming valuable immediately as apprentices, and diminishing the statute seven years to five or three. It was not designed to provide real tradesmen out of the system, but to raise a useful population,—men who can mend their own coats and shoes, and, if necessary, repair, or even make, their own chairs and tables,—accomplishments for the immigrant in our distant colonies, and certainly not to be despised at home. Again, as respects the industrial training of the farm labourer, intelligent dexterity will become essential for tending machines. The rural population of Ireland is four-fifths of the whole. With this large proportion of agriculturists, it is obvious that a preparatory training on the workhouse farm will be economical wisdom.

Anerley and Hanwell Schools are the most expensively conducted and prosperous of the number, and have the longest roll of inmates. The buildings are in appearance striking. Anerley is also picturesquely situated, in a beautiful garden, favourably located near the Crystal Palace. In both, the boys' workshops surround the playground in a series of sheds, where the trades are pursued. The tailoring is perfect enough for the coarse material used, and on asking who worked the neatest button-holes, fifty fingers pointed out the boy, who looked highly pleased when his work was commended. The carpenters' shed produced a series of toilet tables and chests of drawers for the little housemaids' dormitory, of creditable finish. The farm crops were in fine condition, the stables, cow-sheds, and other departments perfectly kept. In addition to the school, there is a library, and a room for the band, well stocked with instruments and music. At Hanwell it is the custom for the band to perform on the school terrace for an hour on each evening; melancholy musicians they look, but the proficiency is so marked, that a custom

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of giving the superintendent £2 to £3 for the privilege of taking a boy for the regimental bands is complained of in the latest report of the Committee of Council. The navy is not neglected in the calculations of the managers. A gymnasium occupies the centre of the courtyard at Anerley, provided with poles and tackling, and the boys are fond of opportunities for displaying feats of agility. The band, gymnasium, and drill, are found to contribute to good discipline, nor can soldiering and sailoring as the destiny of our workhouse boys be too widely insisted on.

Girls are even more considered in the economy of the place. Every housewife complains of the decadence of servants—all are bad. Now, at Anerley they turn out the best little maidens that can be imagined. Besides school and needlework, (which includes cutting out and making clothes,) they mount through the regular gradations of service—scullery, dairy, kitchen, laundry, house work, parlour-maid, nursery-maid. The special department of service is regulated by the mistress applying for and choosing a girl, and it is necessary to place your name on the books for three years to insure one of these much-prized Anerley girls. In Ireland it is objected that cooking cannot be taught on this large scale, and it is not attempted. The house cooking is performed by steam, and the little cooks are trained in the kitchen where the officials' meals are prepared. In the same way washing for the house is done by machinery, and the laundry reserved for the fine washing for the officials. Nursery-maids are trained by nursing, under efficient superintendence, the children in the "infant" wards. The little housemaids have their own dormitory, where the beds are clothed in white dimity curtains, and toilets covered with pink, under white muslin; a looking-glass, chest of drawers, and basin-stand are supplied to each. In the large dormitories, a nurse occupies a sentry-box kind of room in the centre; outside each range of dormitories, pigeon-holes are erected for the shoes, and tidiness is carried so far as to place a basket at the foot of each bed, to receive the folded clothes at night. Water pipes run through the house, hot baths and swimming baths are in constant use, and that mistaken practice, so popular in Ireland, of drying clothes in the open air, on a supposition of its greater purity, is forbidden, and hot-air drying closets used instead. I know of but one defect in the management of these schools—the wear of the same suit all the year, in place of dressing the children seasonably.

Mr. Tufnell states, in his evidence to the Education Commission, that the "failures," or children who entered the workhouse as paupers, were in these schools no more than from two to three per cent. Miss Carpenter prefers the separate school, but it is to be feared that the extra expense entailed by a small number equalling the cost of a large might lead to the discontinuance of the system. If these establishments were compulsory, and in the beginning placed under superintendents who had already managed such institutions, waste labour would quickly be reduced to the minimum. It would be important that the useful course, now confined to our convict schools,

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should form the finishing branches at our pauper schools. The knowledge important to working people would be a little minor social economy, as to the causes regulating wages and the hours of work, the fluctuations of the trade of each, and its chances in our colonies, the prices of articles consumed, the value of regular employment, and it would be well to teach something about savings and the nature of interest. The women should add to these things some judgment in purchasing articles of food, have some notion of the expenses of labouring men and their families, and special teaching in the laws of health. Out of this method we may fairly expect to produce honest, well-principled, skilful bread-winners, who, so far as themselves are concerned, will cut off the entail of pauperism. We may safely predict peasants and artisans so trained would regenerate the country, instead of perpetually reproducing pauperism, as the system in force hitherto has done, and which out-door pauper training might be expected to increase tenfold. If it would be possible to provide the additional machinery of homes for workhouse girls over fifteen, entirely preventing intercommunication with adult paupers, we could be content to hope that from a curse we had wrested a blessing, and saved a large number of young girls, while helping to increase the wealth and comfort of the community.

MISCELLANEOUS.

The Application of the Principles of Education to Schools for the Lower Classes of Society. By MARY CARPENTER, *Bristol.*

THERE is great danger at the present day of directing our attention exclusively to systems of education, to the neglect of the principles on which all education should be founded. Systems are usually connected with party interests and prejudices, from which it is difficult to free them, so as to separate the essential from the accidental—the reality from the outward form. A system of education skilfully conceived and executed may attract attention and deceive the public mind, but if not founded on sound principles, *i.e.*, such as are in harmony with the nature which the Creator has given to us, His children, the results will be unsatisfactory, and the failure must not be attributed to the officials who are appointed to work the system, but to the radical evil at the root. In the paper, then, which I had the honour of reading last year before this Association,* the attempt was made to consider briefly the nature of the individual whom we are to educate, and to elicit the principles which should be kept in view in such education. It is now proposed to apply these principles to schools of different kinds for the education of

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* *Trans.* 1860, p. 391.

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those children who are destined to earn their living by manual labour. These are a very important portion of our population. It is they who will execute all the great works in our country; to whose hands we are indebted for all the means of comfort which civilized life affords; who will colonize our distant lands, carrying with them a free, enlightened intelligence; or who, on the other hand, will exist as drones in the social hive, who will be as paupers, an incubus on the productive labour of others, the progenitors of a race of paupers; or who will lead a more costly and dangerous life as criminals, each one, if not maintained in costly incarcerations, to spread a Upas influence around him, a worse than plague-spot in the land; or if at length they seek another country, to add the vices of civilization to those of barbarism, and bring dishonour on the Christian name. These alternatives depend on the education we give to our children. It is we who give it—we, the enlightened portion of the community—we, to whom the Father and Lord has committed the responsibility of many talents—we, whose circumstances in life give us time to think, time to govern; and it is no less our interest than our duty to consider how we can well discharge this solemn responsibility towards those, our children, the children of our State, whose parents have not the leisure or the means of suitably educating their children for their work in life.

To arrive at any sound conclusions as to what should be the education, we first consider the nature of the individual child. The teacher is not to regard his school as a collection of little machines which he is to set in motion and keep going until a certain amount of work is done; nor will he estimate the success of his operations by the amount of material which he has produced by means of these machines, in the form of reading, writing, and arithmetic, with perhaps certain lines and curves neatly executed which are called drawing. We have in our youth seen such produced by skilful pieces of mechanism, which, apparently at the bidding of the contriver, would exquisitely draw ships with all the ropes, and perform other wonders:—we know that calculating machines can be made to execute greater marvels than the human mind had conceived. Such is not the aim of the teacher. He beholds before him a number of young beings, each one of whom has an immortal spirit—each one a distinct personality—a will more or less strong, acting on every part of his being, and acted upon by all the circumstances around him. He recognises in each child the soul, or spirit—the mind, or intellect,—endowed with very varied powers; the physical nature, including the heart and affections,—the senses, the inlets of knowledge, and the whole of that marvellous frame, which compelled the Psalmist of old, as well as all who have since studied it, to exclaim, "I will praise Thee, for I am fearfully and wonderfully made." He knows that these young immortal beings are placed under his care; not simply to administer to them a certain amount of book knowledge, to cram them with a particular quantity of spiritual food, but really to draw out, to educate the varied powers, whether of mind or body, bestowed

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by the Creator, and to prepare the child to fill aright that station in life in which it shall please God to place him.

This view of the object of education, and the function of the teacher, was somewhat developed in my paper last year, in which these different parts of the whole being were specially considered, and the following general principles were deduced:—

I. The teacher must throw himself into true sympathy with his scholars; must not so much enforce his own will as obedience to the principle of duty, and enlist the child to exercise his own will on the various studies proposed to him. This power of sympathizing with the nature of a child, and interesting his will, is an attribute essential to a good teacher, for it draws out the powers of the child to work for himself. Thus only will there be real success in teaching. The enlisting the will of a child in his own intellectual and moral improvement should be the great object of all teachers. The bringing his will into conformity with the will of God, as it is the highest end of our being, must be the especial aim of every reformatory teacher.

II. In a complete education—*i.e.*, where the whole training is undertaken by the teacher, the religious and moral nature must be fully developed and brought into operation upon every other part of the being; and where only a partial education is given, the teacher's own religious nature must act on the soul of the child, if he would fully and healthfully train the mind and influence the heart. A religious spirit should pervade all teaching; for no part of the universe, or of the individual being, can be rightly regarded, except in reference to the Creator.

III. The cultivation of the intellectual powers or mind must not be separated from that of the other portions of the being, and it will be successful only so far as the whole are combined, and the will is enlisted in the intellectual studies.

IV. *a.* The cultivation and right direction of the affections should be a special object in all education. In proportion only as the teacher possesses the affections of his scholars, will be his influence in his other teaching.

b. The cultivation and healthy exercise of the senses must be carefully attended to, and always united with the cultivation of the sense of beauty.

c. The training and proper development of the physical nature must form a considerable object of attention.

Now it is evident, that several parts of the education of the child thus considered can be best carried out in that school for life which the loving and All-wise Father has placed it in—the Home. It is in the well-ordered home that the will of the child is lovingly but steadily controlled by the authors of its being, and gradually brought into harmony with the circumstances in which he is placed, and eventually with that of the Creator. It is there that his religious and moral nature opens and expands in the most healthy manner, and derives a strength which no subsequent or extraneous nurture can supply. There the

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opening powers of his mind receive their first training; and there above all the holiest affections are called out and nurtured by domestic love, while a varied but natural development is afforded to his senses and physical power. This, perfectly carried out, would be a real education, and this ought to be supplied to the child as completely as possible, whenever the parents are removed from it by death or other dispensations of providence, or wherever the State assumes, for the good of society and of the child, a right to remove him from those who, by the laws of God and of man, have the care of him—his parents. In either of these cases there is an equal necessity that the child shall be so educated as to be able rightly to fill the station appointed for him. He has a natural right to this, as a member of a civilized and Christian country; society has a right to expect it in order to protect it from the evil and expense caused by a criminal or a pauper.

We will, then, consider the application of the principles laid down, first, to those schools for the children of the labouring and lower classes where the child has at least for the time being no other home *i. e.*, boarding-schools; secondly, to the schools which supplement the homes by affording that intellectual and other training which the parent is not in a position to give.

In schools of the first class we include orphan asylums, schools for the children of paupers, where those children are also placed by the State who are orphans; certified industrial schools, and reformatory schools. Now, in the two last of these the child is placed compulsorily, and in the others it is forced by circumstances to remain; therefore its will must be either absolutely forced, as in a prison, or brought into a natural obedience to the authority which takes the place of that vested in a parent, as in a home. We have already proved that this forced condition of a child's will must, while it lasts, absolutely check its real education. There must, then, exist in the management of all such schools that combination of authority with Christian love which will not be incompatible with the natural exercise of the child's will. It is unnecessary to say that a really religious spirit must animate those who are concerned in the actual working of such schools. The instructions of a paid agent, or professed religious teacher, will have but little influence unless they are in harmony with the prevailing spirit of the household. The culture of the affections must be made a special object, and will require in the arrangements of the school particular care and attention, in some degree to supply the place of the home; otherwise the affections of the child will be stunted or perverted, and every other faculty will thereby suffer. It is impossible that any school can supply the place of a true home, any more than a conservatory, however scientifically arranged with great cost, can afford to the exotic exiled from its tropical forests the genial warmth and refreshing moisture of its native clime. But a home feeling must be infused into the school. The inmates must learn to feel themselves for the time being one family, the objects of parental care, and even love. This can hardly

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be accomplished in a very large institution, unless the plan is adopted of subdivision into distinct families, as at the Rauhe Haus and Mettray, and at the Girls' Reformatory at Lancaster, U. S., where are a number of district households, in each of which is one head of a family, connected and united by one presiding spirit and government. No absolute rule on this subject can be laid down. Smallness of number in a school does not necessarily infuse the right spirit or call out the affections, and, on the other hand, we have known a school of eighty boys animated by a true family feeling. The loving spirit must preside aided by judicious arrangements. With such general intention existing in the establishment, will of course be combined considerable and judicious attention to the physical condition of the child. There must be nothing to pamper self-indulgence, to raise the child in his own estimation above his natural position in society, and yet everything possible must be done to correct the hereditary disease, which will often be found incipient in him, to implant and cultivate habits of cleanliness which are so important both to health and to morality, and to give a vigorous and free development to his limbs, especially with a view to the use he is to make of them in after-life. Now, unless all these points are properly attended to, what is too often considered the special object of a boarding school, the intellectual training, must suffer, and the seed sown will be of unhealthy growth and will quickly die. This is not a theoretical statement, but the result of varied experience. It has also been proved that three hours daily of direct intellectual instruction is quite as profitable as a longer period, and even more so. Such was the evidence of numerous experienced witnesses examined by the Royal Education Commission. And this instruction must not be a mere pouring into the mind of the child a quantity of intellectual food which he cannot digest, but a rousing and calling out of all his powers, and exercising him on subjects which will have a living reality to him. The greater portion of his day, then, will be given to industrial occupations, which will not only train him to habits of industry, but, what is of still more importance, exercise all his powers, call out his observation, and even prove a most valuable auxiliary in his moral training. Space prevents our considering the nature of this industrial occupation. Care must be taken not to choose that which is the most remunerative, but that which is, in all of these respects, most beneficial to the child. The cultivation of the land should, wherever practicable, form a part of every day's employment; it possesses advantages which cannot be supplied by any other occupation.

Now, these general plans and principles are more or less carried out in reformatory and industrial schools. In these the child has been legally separated from its parents, who have not been able or willing to prevent it from becoming a plague to society. "By the act of separating it from those protectors," say the Commissioners most truly in their Report, "whatever their character may be, the State puts itself in the place of a parent, and assumes parental obliga-

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tions. Children, therefore, who stand in this position have a distinct moral right to proper education and superintendence at the hands of the State." This education the State has confided into the hands of voluntary agents, who, actuated, it may be believed, by religious and philanthropic regard for those poor children, have, though without mutual concert, more or less worked out these schools on the same general principles as have been here set forth. The result has been, that not only is the inspector able to report the results as even more encouraging than could have been anticipated, but the Commissioners, while seeing great room to improve in all other schools, say of these, "Upon the whole, none of the institutions connected with education appear to be in a more satisfactory condition than the reformatories." And these are schools composed of children the most unpromising in the kingdom, the branded by society, those who seemed destined to be a plague to the community as well as to themselves!

But let us turn to another class of schools for which society is not less responsible, and where the State stands equally *in loco parentis*—these poor children are not tainted with crime, they are perhaps orphans, or their parents have been obliged to resign the care of them because they have not the means of supporting them—they are paupers! Why should the children be so brought up in workhouses that they are as it were doomed to a life of degradation? Why are they educated, at the expense of the country, unprepared to take their place in it, and to be themselves paupers and the progenitors of a race of paupers, a burden on the country for ever? Why should this be? And yet it is so, as all will testify who know anything of the subject, and are not actually concerned in the management of these schools. The principles which have been proved true in other schools are unknown or neglected in these. The will of the child is enslaved or crushed;—his affections are deadened, for there is nothing here to supply the want of the home. The religious and the intellectual teaching are officially given in greater quantities, it may be, than the child can possibly digest, or receive as actual nutriment, even if it is of a kind, which it too seldom is, likely to be permanently beneficial; while the physical development is comparatively neglected, and appropriate industrial training almost entirely passed by. If any imagine that this is an exaggerated statement, let them study the Report of the Education Commissioners, let them consult the general sense of the country respecting the condition of workhouse schools, and they will know that no words of mine can express the full truth.

Space will not permit more than a few words of application of our principles to day schools. In those for the labouring classes, and which are assisted largely by the Committee of Council on Education, it is supposed that the home will supply large parts of the whole education, and that the school need give only the intellectual elements; hence it is imagined that the excellence of a teacher is gauged not by his talent for teaching and power to gain a moral influence over his scholars, to open their minds and draw out their

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powers, to stimulate to a love of knowledge and impart such information as will be useful in life, but by his ability to go through examination in subjects many of which will be quite useless to his scholars. Thus young persons supported in training colleges for teachers at the expense of the nation are to prepare to answer such questions as these: "What events are associated with these places, Kobah, Beerlahai Roi, Mispeh, Penul, Shalem, Shechem, Huz? State clearly the practical lessons or spiritual truths illustrated by one of these transactions." "Give an account of these persons: Wentworth, Earl of Strafford; Lord Falkland, Prynne, Pym, Van Tromp, Blake." (Senior, 324, 330.) Surely the children of the labouring classes, to whom the teachers should give lessons on such subjects, would feel as if they were receiving stones instead of the bread of knowledge; or as a child once exclaimed, in reference to instruction unsuited to her wants, "I seem to be gnawing a dry bone on which there is no meat." Even in these schools much greater and real permanent advancement would be made, even in intellectual pursuits, if the hours were shortened which were devoted to them, and industrial instruction or gymnastic exercises were introduced to relieve the mind and develop other faculties during part of the school attendance.

Far more important is the application of these principles to schools for those children whose homes cannot afford them that training of any kind which is needful for them, and which requires even more than intellectual culture—moral and religious influences, and the training in good and civilized habits. Such a training and complete education can be carried on by those only who give their hearts to the work, and engage in it with a loving and sympathizing spirit. These qualifications can be gauged by no system of intellectual examination, and can be tested only by the results in the school. The whole nature of these children requires to be acted on in the school in all the different parts of it which have been indicated; and in proportion as this is done completely and well will success follow—the success of converting wild and lawless children, profitless to themselves and to the State, into real, true workers, who think not only of this, but of another world. This is a work which is of far more importance to society than the education purely intellectual, which is at present paid for by the public funds. This work has been commenced by the zeal of voluntary workers, but it requires a far more expensive machinery to carry it out completely than can possibly be supplied by purely voluntary pecuniary aid. It is the State which will be the great gainer in the result. A really sound education given to the lowest portions of it will stimulate the higher, and above all a purifying element will be infused into the mass of ignorance and barbarism which at present weighs down society. May the eyes of our legislators be opened to see the real wants of the country, and to devote the public money in the wisest profitable way to the education of the children in our country, who must, without such help, be a burden on the country; for, to conclude with the noble words of

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the Prince Consort, "it is our duty—the duty of those whom Providence has removed from this awful struggle and placed beyond this fearful danger,—manfully, unceasingly, and untiringly to aid, by advice, assistance, and example, the great bulk of the people, who, without such aid, must almost inevitably succumb to the difficulty of their task. They will not cast from them any aiding hand, and the Almighty will bless the labours of those who work in His cause."

Education in Bengal, and its Results. *By* Rakhal Das Haldar.

More than half a century has elapsed since the first effort was made for diffusing the European system of education and European knowledge in that portion of India known as Bengal. Some millions of money have been spent towards that object, not only from the Government Treasury, but also from the private purses of members of the British nation. Some hundreds of persons have devoted the best part of their lives in securing the same object. It may, therefore, be interesting to residents in Great Britain and Ireland to have some idea of the result of the expenditure of money and of energy and talents for social amelioration in Bengal. In speaking of the early stages of English education in Bengal, the mind is carried back to the days when books like "The Young Man's Best Companion" and "The Universal Letter Writer" were in vogue. Such books were imported into Bengal long before the close of the last century. There were no public schools for English education; those who wished to make themselves serviceable to the English used to read the above books at home, taking lessons probably from their employers—such men generally belonged to the three highest castes in Bengal, the Brahmin, the Kayusth, and the Vaidya, whose chief ambition was to be clerks. It was considered highly unbecoming for a man of an inferior caste to aspire to a clerkship.

The acquirements of those who learnt English were so indifferent, that the students could not even write a sentence of their own with correctness. The extent of scholarship was to be able to read "The Tales of the One Thousand and One Nights," whether intelligibly or not. There were no Anglo-Bengali dictionaries in existence, so that the students were obliged to collect words for their own use—these collections, in the form of MS. vocabularies, descended for some time from the senior to the junior members of the same families, and were the sole helps towards expressing their ideas. Anecdotes are told and laughed over at the present day, how ludicrously the Bengalis of former days spoke and wrote the English language, and it is wondered how their English employers could at all manage them.

As the chief object of the greater portion of those who studied the English was to be copyists, great attention was paid to penmanship; and in this comparatively unimportant branch of English education,

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the Bengalis were scarcely inferior to the English themselves. No impression, however, was made on their minds by the examples of English life, nor by the perusal of English books. Their religious prejudices were not shaken; they contented themselves with deciding that God had established different religions, manners, and customs for different races of men, and what was good for one nation was not so for another. They thus preserved their caste in all its integrity, and so faithful were they to their erroneous beliefs that they would not drink a drop of water or eat a morsel of food without changing the clothes polluted by the touch of Europeans. It is therefore not to be wondered at, that when a proposition was made for establishing public schools, the Hindus in Bengal were very much averse to it. They said that a tolerable knowledge of the English language was so far necessary as a means of livelihood, but what would be the use of public schools? If a person wished to be a learned man, he should go to the professor of Sanscrit, and be taught the divine Shastras. But an English school would not only be useless, but might possibly be injurious to the interests of Hinduism.

Of course, the proposition for the extension of European knowledge in Bengal had originated with Englishmen and Christian missionaries; but it was not without the support of a few sagacious natives like the Rajahs Rammohun Roy and Radhakant Deb. Before the year 1820, the Hindu College in Calcutta, the Missionary College at Serampore, and a few minor schools, were established in the face of opposition; and a perseverance of fifty years has changed the state of things. The prejudice, which was at first supposed to be insuperable, has been broken down! In the beginning, free-pupils were sought after, but at present not only are applications from pay-pupils numerous, but also, as a fact strongly illustrating the decay of prejudices, many young Hindus may now be seen dissecting dead bodies in the Calcutta Medical College—an act no Hindu would have dared to perform fifty years ago.

It is a pleasing fact to British philanthropists that men—natives of Bengal—may now be found by hundreds holding converse with the great ones of the earth, with the mighty spirits that lived to instruct and humanize, with the philosophers, poets, mathematicians, and orators of Europe—men who, without English education, would probably have been seen worshipping idols, and leading a most indolent, if not vicious life. English education has created a class of men called "Young Bengal," an epithet originally applied as a reproach. This class has been thus described by one belonging to it:—"Young Bengal has not merely imbibed a taste for Western literature and science, but his knowledge of them is creditable both to him and his instructors. He has drunk deep of the Pierian spring. Very often his writings grace the pages of the local periodicals and reviews, and some of the most fastidious of Indian editors have acknowledged his claims to authorship, by mistaking his articles for those of talented and well-educated Englishmen, and praising

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them as such. Yet, if those very papers bore a native signature, it would have been very fortunate if they escaped the most scrutinizing criticism."

The educated natives of Bengal have been appointed by the Government as uncovenanted civil judges and magistrates, and in various executive capacities; and they have not merely been found equal to these appointments, but have been considered by local British officers as capable of higher trust.

Formerly "public spirit" was neither known nor understood, but it has been so far developed that natives may now be seen establishing schools, libraries, debating clubs, hospitals, and other institutions for the common good.

To the diffusion of European knowledge is to be attributed the rise of a class of natives who are considered still to be low in caste. I allude to the social advancement of the artisan and manufacturing classes. Members of these classes can now vie with the Brahmins and others in respectability and intelligence.

It may be questioned, Does the extension of English education tend to make the natives dissatisfied with the Government or otherwise? In reply, I say, that when you properly educate them, you make them more intelligently grateful. A mild and impartial Government is always safe. Besides, the Hindus having long lost the tact of governing themselves, generally perceive the contrast between Mahomedan tyranny and British justice; and when you endeavour to liberate them by proper methods from the thraldom of ignorance, they are the more thankful for it. The truth is, that the educated natives are actually more attached to the British nation, from whom they expect the ultimate regeneration of India, than the uneducated can possibly be, engrossed as they are in their peculiar superstitions. But contend they must for equal rights and advantages. It is not always that the right man is put into the right place, and when a person of narrow principles happens to be at the head of a department, or of a subordinate government, he is likely to give offence to the educated natives. In such cases they have a right to appeal to the supreme Government for justice, which the Government cannot consistently deny.

Though enough has been accomplished to make philanthropists hopeful, yet the greater part of the work remains to be done. The educated are only a few thousands among uneducated millions. The great lesson of self-reliance is yet to be taught. Caste, the chief cause of a variety of social evils, remains. Woman in Bengal must be raised to her proper position. Moral and scientific education needs to be more generally extended. In short, the organization of Hindu society demands to be radically changed.

Much of the social reforms should, for obvious reasons, be left to the natives themselves, and also to time. But the time has not arrived when the British nation can be mere spectators of native exertions. The natives require British support as much to-day as they did fifty years ago. They are almost destitute of energy and perseverance to

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overcome the various discouragements in their way. Their enthusiasm for great works seldom lasts long. And it is certain that the causes which have made the British nation what it is do not fully exist in Bengal. From their earliest age, the Bengalis are brought up in a way very little calculated to teach them independence. It is generally very late when the Bengali leaves what in English phrase is called petticoat government. He is not familiarized with things grand and inspiring, but is frightened with tales of ghosts and bugbears, which directly tend to check the healthy development of his mind, and to make him timid in after-life; and even when he has passed through English schools, he finds it difficult to divest himself of these early impressions infused into his very nature. In school-days, the Bengali is precocious; he learns with more ease and rapidity than perhaps even an English lad does—a fact often noticed by those who take an active interest in native education in Bengal—but his precocity is not an index to his life as a man. In school or college, he makes various resolutions to imitate the great and the noble, the wise and the learned, of Europe; when, however, he leaves college, he generally leaves also his resolutions behind. This is an appalling evil as far as social advancement in Bengal is concerned. Several causes operate to lessen the early enthusiasm of the Bengali. The climate of the country may be mentioned as a cause. If a long residence of an European in tropical countries is said to cause some diminution in his energy, it is unquestionable that the same is one of the chief reasons to make the Bengali inert and indolent. Then, there are social evils. A Bengali is too early married; before, perhaps, his whiskers are grown, he finds himself a little patriarch, surrounded by a family; he, therefore, hardly has time, or feels inclined to devote himself to any noble work of magnitude. Some persons are carried away by love of pleasure; while on others falls early the burthen of maintaining their families and relatives, who, in general, are scarcely serviceable to the supporters. Then, again, the educated native of Bengal expects no encouragement from the community to which he belongs. Whenever he proposes any institution for general welfare, his neighbours think he must have some selfish views for his own good, and so they do all they can to frustrate his object. But his is not a mind to get over such difficulties.

The less opulent men might better the condition of the nation by being good artists, good manufacturers, good agriculturists, good engineers, and so on; but who comes to their aid? The rich class in Bengal seldom give such employment to their poorer neighbours as may call into action their superior mental faculties.

A word or two about female education may not be inappropriate, before I conclude the subject. The condition of Hindu women is pretty well known in Great Britain and Ireland. Such is the estimation in which they are held that sometimes, if a person happens to have successively three daughters, the third is named *Arná Kali*, which literally signifies "O-Goddess-no-more;" meaning no more daughters may be born to them. The common belief is

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that learning makes woman a widow—still there may now be found Hindu women able to read and write; and a few literary compositions by female writers have already appeared in Bengali periodicals. But the female schools have hitherto been failures. Even the Calcutta Female School, founded under the auspices of the late Honourable Drinkwater Bethune, has not answered the expectations originally formed of it; its present number of pupils, if I am informed aright, is not more than ten. As to the cause of female education not having made a steady progress, it may be mentioned that the superstitious Hindus do not educate their daughters simply on account of prejudices, while the educated natives respect too much the popular opinion. The time has not yet arrived in Bengal when a gentleman will marry only a well-educated and accomplished lady.

Such is a rapid view of improved education in Bengal, and its results. The money and talents expended upon it have not been wholly thrown away. So much has been done as to promise a better and brighter future. It is, however, only by a prolonged course of salutary discipline, aided by friendly external influences, derived from a free people and an enlightened government, and carried on through several generations, that my countrymen can hope to reach a standard of character that will fit them for all the dignified occupations and pursuits of civilized men.

Adult Night Schools in Dublin: with Suggestions for their greater Extension. By James P. Organ.

If I were asked what first induced me to enter upon the humble mission of a teacher of the adult poor, I would give as my reason the following anecdote:—One day, on my way home from school, I met a poor man carrying a hamper on his back, and from the bent position of his body and the big drops of sweat which trickled down his furrowed cheeks, I perceived that his load was too heavy for his strength. When passing him by, he accosted me, saying, "Will you, like a good boy, tell me what is written on that bill?" handing me a small invoice of the goods which were contained in the hamper. I read for him the name and address of the person to whom the goods were to be delivered, and when I did so he thanked me, observing at the same time, and in a very regretful tone of voice, that if he could only do for himself what I had then done for him he might not be carrying heavy loads at *his* time of life. Here the old man entered into rather a lengthened conversation with me, in which he pointed out the many advantages arising to men of his class from even a knowledge of reading and writing; and so much did he impress me with the truthfulness of his remarks, that I determined that very moment to devote myself to the instruction of the poor and the industrious. "God bless you, and mind your schooling, my boy!" were the parting words of the old man; and though twenty years

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have rolled by since our interview, the event is still fresh in my memory, and the resolution which I then came to I have practically and continuously carried out up to the present time.

The advantages of a knowledge of reading and writing to the humblest members of society are so apparent, that I deem it of the utmost importance that the individual attention of an earnest, patient, and persevering teacher be given to the imparting of a useful knowledge of these subjects, compared with which in any school intended for the benefit of adults, all other information should be secondary and subordinate; and when we remember that these subjects in their first stages can with effect only be taught individually, I hold that one teacher to every twenty adult pupils is necessary, and by no means too many.* The time which the working man can spare for his intellectual improvement is very little; and in case of the wholly illiterate, unless they can be made to feel and measure their mental progress, their energy of mind will soon flag and sink beneath the bodily fatigue resulting from the labours of the past day: and it must also be borne in mind, that the unlettered adult is more prone to despair of his success than to hope in its certainty, hence it is of the greatest moment to cheer him on in his first and most difficult efforts to repeat, without spelling aloud, words no matter how simple. When he has arrived at this point of his literary pursuits he may be said to have crossed the Rubicon of his doubts and fears, and for the first time perhaps he feels his mind awakening from the long and heavy sleep of torpidity. Hope soon takes the place of despair, and animated with a spirit of perseverance and mutual confidence in the success of their good abours, teacher and pupil work hand in hand together.

Writing is a subject of great interest to grown pupils—of course I mean those whose early education has been neglected—but it does not seem to be considered by them of such importance as reading. I have, during many a long winter's night, sat by the side of the hard-worked labourer, aiding and encouraging him in his endeavours to acquire a knowledge of reading and writing, and I can call to mind the anxious, earnest, grateful look he would give me when he had pronounced for the first time the syllables of his name, or as he gazed upon that name in written characters made by his own hand.

Men unable to read and write are, in many instances, very good reckoners, and all calculations bearing upon their interests they compute with a very fair amount of accuracy. Indeed, I have almost in all cases found uneducated adults very apt in learning arithmetic, so long as I confined myself to the teaching of that subject as an art.

Now, to the teaching of these simple branches too much attention cannot be paid, since even a limited knowledge of them

* With pupils more advanced in education, one teacher to thirty or forty might be found sufficient.

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places in the hands of every man anxious for his own improvement the means by which he can prosecute more elevated studies in his leisure hours, and, if so disposed, follow in the wake of those great men who, by attending to the cutlivation of their minds during the short time they snatched from weary toil, have left their mark upon the history of mankind—men whom obstacles could not intimidate, labour could not weary, nor disappointment discourage, and to whom the big world itself was a school.

It always appeared to me a matter of the greatest moment to induce the young persons who had just left our day schools to enter upon their various business occupations to continue in the pursuit of useful knowledge, and to prosecute the studies of those subjects so valuable and so advantageous to them in after-life. The importance of doing so becomes still more apparent when we remember that the most critical period of their lives is that which immediately follows their leaving school. In order to afford opportunities for the after-education of such persons, I would strongly urge an extensive, or what I may term a supplemental, course of instruction in evening schools. These, to be effectual, should be like so many well-stored shops, containing an article to meet the wants of every pupil, who may be considered our customer; for if they be found scantily supplied, and our teachers disobliging and incompetent, failure is certain and inevitable.

In all our great towns large numbers of artisans are to be found whose ages range from seventeen to twenty-four years, and who, no doubt, have been already instructed in the elementary branches of an English education, but who perhaps were compelled at an early age to quit the schoolroom for the workshop. For the benefit of this very important body of the community I venture to suggest the opening of a class in which practical mathematics and their application would be taught, and thus enable the young mechanic to prepare his own estimate and compute his own work. To meet the wants of young men engaged as clerks in offices and warehouses, I would suggest that classes be opened in which they might receive instruction in book-keeping, and the advanced branches of mercantile arithmetic, and have opportunities afforded them to improve their composition and acquire a proper style of diction. I may here remark that there is no subject to which this class of persons attach more importance than to English grammar, and it is certainly surprising what progress they make in a short time in this very useful branch of education, provided the subject is rendered intelligible and interesting to them. If to the simple course here laid down geography be added, I think we have what may be termed a fair, practical, and suitable course of adult education for ordinary working men. But in order to break the monotonous routine of school business, I would recommend the delivery of lectures upon social and interesting subjects, which no doubt would be very acceptable to, and gladly received by, the intellectual and well-disposed portion of the working classes of

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this city. A lecture once a week would be sufficient; and in the selection of the lecturer care should be taken to have one so qualified as to communicate information in that simple, familiar, and lucid manner which would come within the range of the comprehension of the humblest in the audience. Such a lecturer must forget himself and his qualifications, and for the time descend to the level of his hearers, and speak as they speak, and in their words too, so far as correctness will permit. A class in which the more advanced and aspiring pupils could receive a practical knowledge of the French language would also be considered by them a great privilege; I should be glad to see the teaching of this language introduced into every well-organized evening school. I would also suggest the teaching of vocal music. To neglect so powerful and so moral an agent in the education of the poorer classes, as vocal music, seems to me unpardonable.

I should like to see attached to such schools as are now engaging my attention a spacious field or play-ground, where pupils who had attended during the winter months might repair in the long summer evenings to engage in those manly and athletic games so essential to the physical development which have lately become so common among all classes in this country. These exercises make men active and robust, capable of bodily exertion, and give to the whole constitution a tone of health and youthful vigour.

Instruction in practical seamanship and the elementary branches of navigation would no doubt be desirable in evening schools, especially in those situated in seaport towns. It must be remembered, however, that the Irish, as a general rule, are not a seafaring people. Such instruction would certainly prove very useful to youths about to become sailors, and likewise to those who had already entered upon a maritime life, and who from time to time visit the port of Dublin.

I would also strongly recommend the opening of a large and well-assorted "lending library" in connexion with each adult school; the books, I need not add, should be most cautiously selected, so that no work calculated to insult the feelings of the professor of any Christian Creed, or to injure the morals of any person, should be admitted. Regularity of attendance and assiduity in school business ought to form the basis upon which applicants for books should rest their claims.

Having stated my views upon what appears to me a useful and practical course of literary instruction for the labouring classes of the city of Dublin, I would wish to offer one or two suggestions upon what I may term the mechanical arrangements of adult evening schools.

School business should, in my opinion, commence the first Monday in September and terminate the last Friday in March. My own long and practical experience shows me the prudence of having the school open only during the time now mentioned. I am strongly opposed to any day teacher doing night duty also, as I consider that if a teacher of a day school do justice to his pupils he cannot bring

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a sufficient amount of energy into a night school, where teaching is still more constant, more wearisome, and more severe.

I have observed with regret that in many night schools the junior and adult pupils are placed side by side. I have even seen them made to stand with their toes to the class line, and in as stiff a position as the new recruit who has just put on the military leather stock "stands to attention" on parade. This fact, coupled with that of having young and inexperienced monitors or pupil-teachers to instruct men upon whose minds the affairs of life are already heavily pressing, has at all times been productive of bad results. The school-boy teacher is unconscious of the frequent and perhaps painful thoughts of home or business that pass through his pupils' minds and for a time cause that listlessness which calls forth remarks from the juvenile instructor which are neither pleasant nor agreeable to his pupil. Thus has many a well-disposed and persevering adult been compelled to relinquish his efforts in the schoolroom, and withdraw from the scene of his intellectual labours, lest he might again subject himself to reprimand. Men pupils should be taught by men teachers.

The salary of every teacher ought to depend in some degree upon the success of the school and the progress of the pupils; hence I would suggest that part of the salary be paid out of the school fees, not a certain fixed sum, but a proportional dividend. The adoption of this principle has appeared to me at all times sound and judicious, as by it the teachers become so many shareholders in their schools.

Two hours each evening, say from 7.30 to 9.30, seems to me the most convenient and most suitable time for the working classes to attend school. I am also of opinion that the school fees should be paid in advance and range from two shillings and sixpence to five shillings per quarter.

It may be difficult to find qualified teachers who would devote their whole attention to evening schools, therefore it would be desirable that the Commissioners of National Education in Ireland should use their own discretion in selecting for the work the best men, and to such men a salary should be given commensurate with their labours. I strongly hope that if such institutions as those now under consideration be established in Dublin, they will be placed under the control of the Irish Board of National Education, for that Board alone can give to them the support necessary to produce the results which I anticipate.

I have now briefly submitted my views upon the education of the industrious, humble, honest poor of Dublin. These views are not of the origin of yesterday, nor are they based upon imaginative theory; they have sprung from a long and every-day experience. I have tested their applicability during the winters of many years and I give them now for what they are worth, hopefully trusting, at the same time, that I shall yet see their adoption on a proper and liberal scale, for the benefit and social improvement of my fellow-

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citizens; I entertain the strongest hopes of their success, and have for many years felt the desirability of workmen's colleges in this great and ancient city. It may not be inopportune to mention that there are already four schools situate in the poorest and most populous districts of the Irish metropolis, and above all the most desirable and best suited for the purpose of adult instruction, which I would in the strongest manner urge the Commissioners of Education to open as evening schools. I now allude to the Central and West Model National Schools; the Andrean National School, Westland Row; and the St. Paul's National School, Queen Street; all of which are, at the present moment, in the most complete working order.

In conclusion I may be allowed to state that my office in connexion with the Irish Convict Prisons gives me peculiar means of knowing the vast importance of adult night schools, in the prevention of crime, and the loss which society and the State suffer through their non-development.

On the Origin of the Verb. *By* Professor Pillans.

At the close of a former paper I alluded to a view of the Verb eminently well fitted for exercising agreeably and improvingly the reflective faculty of the young, but at a stage a little more advanced than the pure elementary stage to which I confined myself in that paper. I avail myself of the present occasion to present this view by inviting my audience, as I would recommend the teacher to invite his pupils, to turn their thoughts to what is likely to have been the origin of the Verb as a part, and an indispensable part, of human speech. In this inquiry, it will be necessary to revert to that state of things when man had a language to create,—a state not unlikely to have existed after the confusion of tongues and dispersion of our race recorded in Scripture, and not very different from that described by Horace, when men were no better than a *mutum et turpe pecus*, long engaged in mutual hostility till they fell upon the invention of language.

> "Donec verba, quibus voces sensusque notarent,
> Nomina que invenere."

In contemplating the complicated system of the verb, as it presents itself in Greek and Latin and many original languages, the question naturally occurs, how did the verb originate, or in what shape may we suppose it to have first made its appearance?

The Modes or different aspects under which the verb presents itself, independently of Time, are commonly reckoned four,—Indicative, Subjunctive, Imperative, and Infinitive; and to these I think we may add the Participle, which seems to fulfil all the conditions of a Mode. In which of these Modes, we are then to inquire, did the verb first show itself: for it is manifest that no system so complicated as the paradigma of the verb, even in its simplest form, could have sprung all at once into existence.

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The prevailing and almost unchallenged opinion is, that language was invented for the communication of thought, and grammarians have given their sanction to the doctrine, by the order in which they arrange the modes. The precedence is universally given to the Indicative, as being that which simply declares, or makes a statement for the information of the hearer or reader. But in the state of primitive rudeness in which language must have originated, it is in the highest degree improbable that such was the occasion of the verb being invented, or such the first use made of it. In the later stages, indeed, of refinement and social intercourse, the employment of language for the communication of thought became so superior in importance to every other, that we need not be surprised if the philosopher, whose whole life is devoted to this application of language both in its spoken and written form, should look upon that which is its noblest use, as also its original and primary purpose. But, in a rude and savage state, man is surrounded with difficulties, and goaded on by the necessity of procuring food and shelter from the weather, as well as by other pressing wants of his nature: among which, however, interchange of ideas or communication of thought, without any purpose but the pleasure of social intercourse, cannot be reckoned one. He would have recourse to the verb only as a means of more readily supplying those wants and ministering to that necessity. Any ideas, any information he possessed, which did not tend directly to these ends, remained locked up in his breast without exciting in him the smallest desire to communicate it to others. The first use of the verb must have been, not to impart his own thoughts, but to influence the actions of those around him. And this he would endeavour to accomplish, not by declaring or expounding in set terms what his wants were, but by commanding the services of those whom he had power over. Suppose a savage, from lameness or laziness, or any other cause, disinclined to the exertion necessary for procuring some object of his desire. He will not proceed to explain his wants and wishes to his adult sons or dependents about him, but in the fewest words, with monosyllabic brevity if possible, he will order them to kill the deer, to fetch the fruit, to cut the log that is to build him a hut, or the fagot that is to warm him. If the object he wants be in sight, he will point to it, and "cut, pluck, strike, bring, kill," will express the rest. This, I conceive, reason and common sense point out as the early history of the verb. The savage is a sullen, selfish, solitary, taciturn being. He has few sympathies with his fellow-men, and has no disposition to make known to them the thoughts that are passing through his mind, except when, by so doing, he can secure their services and so better his own condition. One would therefore conclude, *à priori*, even if one had not facts to appeal to, that the form of the verb first extorted from man by the wants and wishes and cravings of his nature, must have been the second person singular of the Imperative Mode. That was the first vocal expression to the ear of those wishes and wants which had been previously conveyed by signs and

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gestures addressed to the eye, or to the touch. It was the first act of the analytic process by which the single inarticulate ejaculations or interjections, in which the whole of a sentiment or desire was at first wrapt up, were resolved or broken down, as it were, into their component parts. This appears to me an inference legitimately drawn from the natural development and operation of man's faculties.

But we shall find, if I mistake not, the strongest confirmation of these theoretical views in an appeal to the actual history of language. If the theory be sound, we shall expect to find in the Imperative Mode the simplest and shortest form of the verb—the primitive crystal as it were, overlaid in the other parts with subsequent accretions and incrustations, but constituting the nucleus of the whole mass. Now this is literally and accurately true in all the languages I have any acquaintance with; and I doubt not, will be found true in all languages whatsoever, and that what may be thought exceptions are easily explained consistently with the theory. The proof is strongest in the ancient languages, which fold up so many ideas in the different forms assumed by the verb, and in which these forms are so various and polysyllabic. In them it will be observed, that, if we look for that part of the verb which contains the smallest number of letters, it is next to a certainty that we shall find it in the Imperative. The acts of going, doing, bringing, leading, giving, catching, striking, are among those that would earliest take the verbal form, because they are constantly in demand in what has been called the hunter state of man. Judge, then, whether it be likely or not that they appeared first in the shape of the Imperative, when you find that Mode in the corresponding Latin verbs in the order given above, *I*, *fac*, *fer*, *duc*, *da*, *cape*, *fĕrī*. Compare these with any other part of the verbs to which they belong, and you will find every one of them (and the case is the same with nine-tenths of the verbs in the language) has a letter, which is also a syllable, less than even the present Indicative, which is generally the shortest, next to the Imperative. There is an apparent exception in *da*; but in all the cases where the number of letters in the present Indicative and Imperative is equal, as in *da*, *ama*, *lege*, &c., I still regard the Imperative as the simplest, the *o* of the Indicative being a contracted syllable, *dao*, *amao*, *lego*, the *o* being the representative and contracted form of *ego*. If you follow out this idea in the Imperatives of the Greek as well as the Latin, you will not fail to be struck with the unequivocal support which the theory receives from the state of the facts, and will be more and more convinced, as I have been by the reflection and reading of many years, that in a philosophical grammar, the Imperative ought to be put prominently forward as the root and primary form of the verb. Even the modern languages, though they admit fewer combinations in the verb, forcibly illustrate the same principle. They present the verb universally, in the Imperative, in its native and radical state, stript and disincumbered of all adjuncts and auxiliaries. Go, itself an excellent example, is

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in the French *va*, of the verb *aller*. In Italian also *va* or *vada*, in German *geh* from *gehen* to go; and so with all the rest in our own tongue, do, bring, lead, give, catch, strike.

It is here, then, in what is called the Imperative Mode, that we are to look for the germ of the verb; and I think we may consider it in this shape as among the earliest achievements of articulate speech. The following remarks may serve to make this probable. Nature, as it presents itself to the eye of an observer, be he savage or philosopher, is a vast assemblage of objects existing and energies exerted; that is, 1st, of things external and inert, possessing certain properties to all appearance in a quiescent state; and 2ndly, of certain powers, forces, or agencies, of a kind to disturb this quiescent state, and which, when man is capable of wielding and directing them, are employed by him to procure some advantage, or ward off some calamity. Now the earliest efforts of untutored man to possess himself of a language would, I conceive, be employed in finding vocal expression for individual examples of these two great departments of nature—the quiescent, material objects, and the forces or moving powers, which effect changes desirable to the person who uses or directs them. One half of this task was done when the first name was imposed on an object external and permanent; and, a vocabulary of nouns thus begun, the other half was accomplished, when a word was contrived to express one of these exertions of power or energy which, along with things material and quiescent, make up the whole of the world we live in. But among all these powers and energies, it will not be those that regulate the growth of plants or the motion of the heavenly bodies, or any of the distant or recondite phenomena of nature, still less will it be such as express the inward thoughts and evanescent feelings of the mind, that will first arrest the attention or elicit a vocal sign. It will be those movements and actions of his fellow-creatures which affect his own well-being; and the first verb—*i. e.*, the first word expressive of an act not an object—will be wrung from the savage by the desire to make the movements and actions of those around him subservient to the supply of his wants, and the gratification of his appetites and desires. Having thus, under the immediate pressure of necessity which alone can overcome the natural indolence of untutored man, possessed himself of a few words that embody the notion of power exerted by his order, it is not difficult to conceive the successive steps by which this primary form would receive additions and modifications enabling it to express various circumstances connected with the exercise of the power. The directing or Imperative form in which it first appeared, was necessarily in the second person—that, to wit, addressed to the individual whose services he wished to avail himself of. But in process of time he was able, by adding his own name or the pronoun representing it, to refer the exertion to himself and intimate the fact of its being his own feat. And in this manner would be formed the Indicative or declaratory mode. Strike, *e. g.*, we suppose to have been the first, as it is doubtless the

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simplest form of the verb to strike employed by the savage to command the act of another. And having thus got a means of expressing the act, he had only, when he wished to describe it as an act of his own, to prefix the personal pronoun and say "I strike," and it might happen quite naturally that he placed the personal pronoun after the verb, in which case the two might easily, in course of time, coalesce into one word. Thus in Latin *feri ego* would gradually lapse or melt down into *ferio*. In a process of this kind, which must have taken place at a very remote period in every language, it is of course impossible to trace to their roots the manifold adjuncts and corruptions which moulded the primary forms and signification into all the varieties of mood, tense, number, and person. In English the practice of eking out the whole verb by prefixing one or more separate words to the simple Imperative is more striking than in any other language, but it is so merely because the English verb is the simplest of all in structure, and makes fewest changes on the radical form, effecting its ends by prefixing without incorporating the required additions, while other tongues, and particularly the ancient, fused them into one at so remote a period, and subsequently carved them so strangely, that it is no longer possible except now and then to detect their origin.

EDUCATION.

President.

SIR JOHN GEORGE SHAW LEFEVRE, K.C.B.

Vice-Presidents.

VERY REV. DEAN GRAVES. | LAURENCE WALDRON, ESQ., M.P.

Secretary.

REV. NASH STEPHENSON.

Local Secretaries.

GEORGE WHITLEY ABRAHAM, LL.D.
REV. WILLIAM REEVES, D.D.

This Department deals with the various questions relating to Education, both industrial and intellectual, whether of the upper, middle, or lower classes society.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"The Strong Claims of the Middle Classes for Justice in the Matter of Education." By Joseph Bentley.

"On Erasmus Smith's Schools: their History and Objects." By Rev. W. Gibson.

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"On the Application of Symbolical Methods of Social Science, illustrated by the Problem of Education." By Professor Hennessy.

"On the Best Mode of removing any Disabilities which impede the Advancement of Learning." By Professor Hennessy.

"Art Education considered in its Utilitarian and Social Aspects." By M. A. Hayes.

INTERMEDIATE EDUCATION.

Mr. JOSEPH BENTLEY read a paper entitled "The Strong Claims of the Middle Classes for Justice in the Matter of Education." The author observed that the educational improvements of late years had been confined to the upper and the lower, without having been partaken in by the middle classes, although the latter contributed, in taxes and subscriptions, upwards of a million a year in aid of improved education. Good teachers constituted the key to all educational improvement. Teaching required special qualifications independent of intellectual acquirements; it was susceptible of being developed as an art itself. Colleges for training and certifying teachers for the schools of the poor had already been established, and had produced satisfactory results. He contended for an extension of the principle to all schools. Two years ago Lord Brougham, in the House of Lords, presented a largely signed petition in favour of the establishment of a Government test of the qualification and fitness of middle-class school-teachers as well as those for the humbler classes. The Government promised to give the matter their consideration. Nothing had since been done. The plan recommended by Mr. Bentley, to overcome the defect indicated, was the establishment of colleges for the training of teachers for middle-class schools, which should be under Privy Council regulations, but should be supported by private contributions.

DISCUSSION.

The paper on Intermediate Education, by the Rev. J. Hall, printed at page 267, elicited the following discussion:—

Dr. ABRAHAM thought it would be undesirable to interfere with the existing educational institutions of the Established Church. Mr. Hall had professed the utmost respect for those institutions. Supposing that it were desirable to interfere with them, did it occur to the meeting that it would be possible, considering all the difficulties they had had in dealing with the question of national education, to achieve such an interference with the endowments as would introduce a system of intermediate schools within any reasonable time? Take another plan. State aid might be given to existing intermediate schools of all denominations. Then they should have the denominational question coming again, and in a form which would raise still greater difficulties than those which had presented themselves in the course of their inquiry as to the means of dealing with national schools. Then came the third plan. If they were to have a network of State schools throughout the country, what would they do in that case? They had, at the present moment, to a degree which Mr. Hall seemed quite unaware of, a number of independent Roman Catholic establishments. In Dublin alone, there were at least five or six; and he had seen in the

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Freeman's Journal an advertisement of a school lately established in the county of Longford, capable of accommodating 200 pupils. They had got similar schools all over the country, and if they were to raise up in competition with those existing schools a system of State schools, an opposition would result which would afford to the intermediate schools an infinitely smaller measure of success than the Queen's Colleges; and for this reason, that the Queen's Colleges did not enter into competition with any existing and flourishing establishments of a like kind. Were, therefore, the State to adopt a plan of State schools in the counties, or other sub-divisions, these would encounter an opposition from Roman Catholics and others interested in the maintenance of existing schools, which he saw no means of overcoming.

The Rev. Mr. M'Ilwaine said, inasmuch as this country had been the battle-field for a long time of educational principles—we have had a thirty-two years' war on the subject of education—he would make one or two remarks with reference to principle. He thought that the public funds and subsidies for education were tending in a dangerous direction, the public funds were now macadamising the road to knowledge to such an extent that he did not know where it would end. Credit for genius was given to them as a people, and he hoped they had some merit and were capable of rising in the educational scale; and he knew that in old times men rose to high eminence without those appliances. The fundamental principle he contended for was this, that the State was not bound, of necessity, to educate any persons, except those who were in a state of indigence, and required aid. He did not think that any person of the humbler class was entitled to go to the State and demand as a right education in the higher branches. These were marketable materials, and the poor man might as well ask to be set up in materials of trade as demand to be supplied with them for his child. In the town where he was a minister there was a model school largely endowed, and professedly providing education for the poorer classes, and yet to which traders and persons of large income sent their children to be educated. He feared lest the intermediate schools might be of the same description. A trader worth five or six hundred a year lately came to him to ask him if he should send his child to the model national school in Belfast. Such was the class that was reaping to a large extent the benefit of those primary schools. He thought the examination into the endowed schools of Ireland had demonstrated that there were educational institutions enough in Ireland, although they may have been originally of a denominational or sectarian character, which, if improved, remodelled, and put under Government superintendence, would take away the necessity for the establishment of a new class of schools.

Mr. D'Orsey said few would listen with patience to any project bearing on intermediate education that referred to the important principle of training the man who was to be the educator. He asked permission as a schoolmaster, to speak very plainly on this point. The phrase "only a schoolmaster," although going out of fashion, was still not altogether extinct. There had been in some places, and still was, an impression that those who failed in other professions would do for that of a schoolmaster. The higher classes of schools—Eton, Harrow, and many others in England and Ireland—enjoyed the direction of, perhaps, the most eminent men that the University sent forth, and might be taken as exceptions to his observation: but of the middle class of schools a large proportion lying between the schools he had mentioned on the one hand, and the national schools on the other, were, as had been well stated already, under a class of men—might he dare to use the expression—not very far removed from the "Wackford Squeers" order. A large number of private schools were under the direction of bankrupt publicans, dismissed railway clerks, and tailors who could not find sufficient employment in their profession. It was easy to point out defects, but it was difficult to suggest remedies. He knew it would be said that if men were deserving they were sure to obtain the place suited to their talents: the world would ultimately do every man justice. But his proposition in connexion with this question of middle-class schools was, that Government had not done justice to the profession of schoolmaster. He maintained, that schoolmasters as schoolmasters, and not merely as clergymen, should be at least upon the same level with other professions in yielding a crop of royal inspectors of schools. A teacher

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should possess a sound mind and body; he should be free from bodily infirmity, have good health, command of temper, quick penetration, be apt to teach, possessed of a retentive memory, good voice, clear pronunciation, and ready power of illustrating by words and blackboard sketches. His attainments should be respectable; but he should be well trained to make use of those attainments. He hoped he should not offend any gentleman connected with normal schools there when he said that a good many of those schools—he would not say all of them—were aiming too much at "cramming," to use a familiar but most expressive word, and not sufficiently at training of a professional character. If of two men, one were possessed of ten per cent. of attainments and ninety per cent. of teaching powers and the other had those proportions reversed, the former would make the better teacher. Practical skill, far more than profound knowledge, was the essential desideratum in schoolmasters for all sorts of schools.

Professor Hennessy said that while he had much pleasure in concurring with the author of the paper in his views respecting the advancement of knowledge, he could not entirely agree with him as to the mode in which he would carry out that advancement. He believed that could be effected only on the principle of freedom of trade in education; and he regretted that the paper did not seem at all to recognise that principle. Only one or two years ago, when the question was mooted of establishing such a system of intermediate schools in Ireland as that now indicated by Mr. Hall, instantly a meeting was held, surpassing in numbers, enthusiasm, and influence, anything of the kind that had been witnessed in the county of Cork, under the presidency of four prelates of that county, and having present the county members and other members of Parliament, and a most unanimous and decided expression of opinion took place totally adverse to the principles laid down in Mr. Hall's paper. The principles that meeting affirmed were those of freedom of education—that every denomination, every party in Ireland was entitled to have such intermediate schools as were best suited to their wants and requirements. The existence already referred to of intermediate schools in Roman Catholic parts of Ireland, some built on a large scale, was a fact not to be ignored. The principles which should guide them with reference to the establishment of intermediate schools were as follows:—What is usually designated as intermediate education, namely, that which usually precedes the university, may be a work resulting from private enterprise, or it may be carried on in public schools endowed by the State. In the former the principle of freedom of education must necessarily prevail. The head of such a school can adopt any uniform or mixed system that he deems most advisable, which he would probably do with due regard to the local circumstances of his school and not exclusively upon some preconceived ideas. He would not, for instance, expect much success if he established a mixed school in places where the population, all around, entertained strong views in favour of uniform religious education. Another teacher, provided with an equally efficient staff of assistants, all professing the religion prevalent in the district, would be far more likely not only to remunerate himself, but to advance the cause of education. Intermediate schools, supported by the bounty of the State, should undoubtedly be managed in conformity with the same business-like principle. The success of such schools must, in a great measure, depend upon their prudent recognition of the principle of "freedom of education." That principle did not at all exclude the existence of schools managed on the mixed principle in districts suited to them; but in unsuitable districts they should not endeavour to plant schools contrary to the feelings and conscientious convictions of the people, and thus run the risk of retarding the object which they had at heart—namely, the advancement of knowledge in the country, and the raising it to a higher position in Europe.

Mr. A. Porter observed that forty or fifty years ago not only English but classics were taught in cheap schools in Ireland, and gentlemen who subsequently attained a high literary standard of attainments had been educated in them. These schools were not able to compete with the national schools, and had been swept away by them. Therefore, the system of free trade did not apply. It was incumbent on the Government to supply the people with that of which it had deprived them. He contended for a system by which the middle classes

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could fit themselves for Trinity College or Queen's Colleges. He was a member of the Queen's University. Out of twenty Indian Civil Service appointments given last year to Irishmen, thirteen, he believed, were given to Trinity College men, one to a pupil of an endowed school, and the remaining six, a very large number, to students in the Queen's University, there being only seven candidates altogether from that university.

Mr. GAMBLE said that the question whether the education of the middle classes should be conducted by the State was a very important one. In his opinion it would be injurious to the State to undertake the education of the middle classes. It had been said that poor classical schools had disappeared before the national schools. If the State were now to establish a higher class of schools these would destroy the system of middle-class schools now existing, and ultimately the whole education of the people would be in the hands of the State. Now, he submitted that in this free country it would be more advantageous for the people to choose their own schools. The masters of State schools might not be appointed on account of their merit—for they all knew the way political appointments went—and would not be likely to be the best instructors for the middle classes. The success of every school depended on the exertions of the schoolmaster himself, on the mode in which he treated and trained the children intrusted to him, and on the class of masters he obtained from the University. According to his knowledge and experience of this country, schools for classical education were not what it required. Was there any want of competent and educated young men for the learned professions—of the Bar, medicine, and the solicitors? He said not. What the people of this country wanted was a greater desire for trade and commerce. The rivalry which they should attempt with England should be of that description.

The Rev. NASH STEPHENSON said he had been considering the tone and temper of all the debates in the House of Commons of late years on the subject of education. Chancellors of the Exchequer had for many years looked with a jealous and suspicious eye upon the enormously increasing grants for education, and if anything was patent it was this, that they intended to limit those votes in future years. He would not say that we have yet arrived at the maximum, but we are approaching very nearly to it. It appeared by the Commissioners' Report that they wished to relieve the Imperial exchequer, by throwing a certain portion of the grant on the county rate in England; and if they were about to limit the grant for indigent persons it was hardly to be supposed that they would make a fresh grant for those who were capable of paying for a good education for their children. With regard to what could be done to promote the amelioration of those schools, which he really believed were about to be left behind in the educational race, although much could not be done in the way of pecuniary assistance, something might be done in the way of granting certificates to those who were about to enter upon those private adventure schools akin to what had been done in England. The Universities of Oxford and Cambridge annually sent examiners to the different local centres of England, and they held examinations of school pupils there, and conferred certificates upon the masters. The children examined were divided into two classes, one under fifteen years, and the other from fifteen to eighteen; and it was considered a matter of great credit by the local masters to secure those certificates by having as many successful candidates as possible. It would be easy for the colleges here to do something like that.

A Member stated that the Queen's Colleges had done so this year.

The Rev. Mr. HALL, in his reply, observed that the simple answer to the free trade plan of education was, that it was not educating the people. His paper did not necessarily contemplate the appointment of masters by Government. It had been said that the country wanted to have trade stimulated. It seemed to him that the gentleman who said that had an extremely inadequate idea of the dignity of trade. Why not educate tradespeople? Why not have our merchants classical men?

The Rev. Professor GIBSON (of Belfast) read a paper "On the Foundation created by Erasmus Smith for Educational Objects,"

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with a view to show that it was originally designed for the elevation of the middle classes in Ireland. Of the personal history of the founder little was known, except that he was an alderman of London who lived in the seventeenth century, and of whose intentions the late Commission of Inquiry had no other documentary evidence than that supplied by the charter granted by Charles the Second. The original indenture, however, by which Erasmus Smith made over certain of his estates for such objects, had been since discovered in the Bermingham Tower in Dublin Castle and had been transcribed by him (Professor Gibson) entire. This deed, dated 1657, made over upwards of 13,000 acres of land in several counties for the formation and endowment of Grammar Schools, vesting the same in trustees, of whom six were leading nonconformist ministers, and the others were the chief officers of State under the Commonwealth. The clerical members were the same as had been selected by Cromwell for revising, with a view to their confiscation, the entire episcopal revenues in Ireland, and for introducing other sweeping changes, while the non-clerical were men after Cromwell's own heart, enjoying his fullest confidence, and prepared to carry out all the measures of his Government. They were, in short, Cromwellians out and out, about whose religious profession and standing there could be no question. Additional evidence of his nonconformity was to be found in the fact that he was elected alderman in 1659, the ninth year of the Commonwealth, a time when the Independents were in all their glory. But shortly after the original indenture was executed Cromwell died, and all things were changed. With the Restoration came all sorts of edicts against Nonconformity, Acts of Uniformity, Conventicle and Five-mile Acts, in consequence of which none of the six clerical trustees might show himself within five miles of a corporate town or city, while the rest were *ipso facto* disbanded, and were no more heard of in the administration of any civil or religious trust. Twelve years after a charter was obtained, vesting the administration in far different hands, requiring that every schoolmaster and usher in the schools should be approved by the episcopal authorities, and that a lectureship should be founded in connexion with Trinity College. One important provision remained, namely, that the scholars should be regularly taught the catechism of Archbishop Ussher, a broadly evangelical formula, similar in structure to that of the Westminster Assembly, of which Ussher was himself a member. The principle of making laws or regulations for the schools was also secured to the founder. The charter had not been in operation more than fifty years when new legislation was adopted, and an Act was passed authorizing the application of the surplus which had accumulated to charitable uses, empowering the trustees to found two lectureships and three fellowships in Trinity College, and ratifying an agreement entered into with the Blue Coat Hospital for the maintenance of twenty pupils. In 1791, the surplus had increased to more than £1,400 a year, and in 1807 there were in hand £35,000. £900 or £1000 annually were

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expended on Trinity College; an examination hall was built at a cost of £2,500, and the College was presented with a library at an expense of £9000. During all this period little or no attention was paid to the founding of Grammar Schools, "the primary object," as the late Commission had once and again characterized it, of the trust. About half a century ago the trustees began to stud the country, north and south, with English schools, amounting three years ago to 119 in all, and maintained at a large outlay, while on the four Grammar Schools only some £700 or £800 annually were expended. A suggestion had been made by a special commission in 1791, to erect a professional academy of a high class in Dublin, but it was not attended to. In one important respect also the intention of the founder and requirement of the charter had been disregarded, namely, in regard to the use of Ussher's Catechism, which was superseded by others. Upwards of £17,000 had been lost owing to the discontinuance of English schools, on which it had been expended. "Thus have the governors," said the late Commission, "not only neglected the primary trust of the Grammar Schools, but have not managed prudently the secondary trust of the English schools, which they have developed to an extent disproportionate to their resources." Much of the mismanagement was attributed and was, doubtless, due to the constitution of the governing board itself, seven of whose members were *ex officio* and the remainder self-elected. An entire revision of the management was necessary, and demanded legislative interference. Intermediate instruction was the educational requirement of the day, and in the case of Erasmus Smith's schools, the net revenue of his estates consisting of upwards of £7000 a year, which should have been applied to this important object, agreeably to the intentions of the founder, was a loss to the community. It was to be hoped that ere long the Legislature, which had once interposed with reference to this trust, would interpose once more, and place it on a basis on which, as originally designed, it would subserve the objects of the entire educational interest in Ireland.

DISCUSSION.

The Rev. Henry Irwin contended that it was clear, from the conduct and writings of Erasmus Smith, that he was, after the restoration of Charles II., an Episcopalian, and that he intended his schools in Ireland should be Established Church schools. One of the masters named in the charter was H. Jones, who, though he bowed to the storm during the Protectorate, was a Churchman after the Restoration, and was appointed Bishop of Meath. It was true he was not highly esteemed for his steadfastness in religion of any kind. There was no foundation for Mr. Gibson's observation that the Erasmus Smith schools were not intended to be in strict connexion with the Established Church.

The Rev. F. Fitzgerald said he was patron of the Erasmus Smith School at Donnybrook, and he could state that the board of governors granted money towards the repair of the schoolhouse. They had expended £10,000 on the Tipperary Grammar School. He might state that the charter of Charles II. was granted upon Erasmus Smith's own petition.

The Very Rev. Dean Graves felt he was called upon as an Erasmus Smith professor, and one of the Endowed School Commissioners, to make an observation. What Smith's religious or political opinions were before the charter was

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a question legally of little consequence. He believed the institution was essentially Episcopalian, and was worked by the governors in accordance with the charter. But he should honestly state his opinion that they did not make the grammar schools as useful as they might have done. He was sorry they did not do more for intermediate education, and he was sorry they had expended so much in endowing elementary schools, many of which had not been very efficient. But since the Report of the Endowed School Commissioners, the governors had materially improved the administration of affairs. Under the pressure of that Commission they had done a great deal to make their schools more efficient.

DISCUSSION ON THE MACHINERY OF EDUCATION.

On the reading of the papers by the Rev. W. A. Willock, D.D., and Mr. David Ross, LL.B., printed at pp. 270, 301, the following discussion took place :—

Mr. Kavanagh said that after all had been done, at an expenditure of £3,600,000 in favour of the so-called National System, there was a show of an increase in the number of children on the roll, but no increase in the actual attendance, and the children did not on the average attend more than one out of every three days. According to the last return, the actual number in attendance was 264,000, which was about one-third of the number on the rolls—namely, 804,000. There were 216 school days in the year, but, from recreation and other causes, there was not more than three hours' actual study on the part of the children in each day. This fact should be taken into consideration in preparing books for children who commenced going to school at seven and ceased at eleven years of age. Mr. Kavanagh referred to the pamphlet published by the Rev. Mr. Frazer, in which the writer bore testimony to the beneficial results of the system at the Christian Brothers' Schools in North Richmond Street, as compared with the results of the Model Schools in Marlborough Street, both schools being in the same parish. These beneficial results the Rev. Mr. Frazer attributed to the religious spirit and feeling of the Christian Brothers, and the influence of a common faith between the teachers and the children. The Endowed Schools' Commissioners had borne testimony that the greatest regularity of attendance and the highest discipline were in schools of a denominational character, both Protestant and Catholic. In a report published this week by an inspector of the Church Education Society, it was stated that in the county Wicklow 75 per cent. of the children on the rolls of the Church schools attended, while the attendance in the national schools was only 50 per cent. The member for Dungarvan held up before the House of Commons a primer, the highest effort in which was, "John threw a stone down the street;" and yet 38 per cent. of the children attending national schools were engaged in learning this primer. Twenty-five per cent. were in the next after that, the first section of which was confined to words of one syllable; only six per cent. were in the higher class-books.

Dr. Martin, (of Portlaw,) said he was manager of a non-vested school, and when it was first established the greater number of the children had to be put into the primer referred to; but an infant school had since been established, and the beneficial effects were already experienced. The children of the poor had to leave school at so early an age that it was highly important to have good infant schools.

The Rev. Mr. Frazer said he believed that it was essential to give more attention than heretofore to primary education. They required what he might call "graded schools," in which respect the Americans were far before them. These schools would greatly facilitate educational progress. In his opinion the highest qualifications were required in infant school mistresses. He was surprised, on coming to this country, to find under the National Board two systems, one system connected with vested schools and the other connected with non-vested schools. It now turned out that they had in Ireland only about 1,600 really national schools, according to the basis laid down in Lord Stanley's letter, while they had 4000 schools in which the patron could decide whether there should be religious instruction or not.

Professor Hennessy said the system of elementary books in both England

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and Ireland was fully discussed at the Bradford meeting of the Association, and it was found that in England the utmost freedom in books existed, while in Ireland there was a system of monopoly. They carefully compared the two systems, and came to the almost unanimous conclusion of strongly reprobating the system as it existed in Ireland, and of strongly upholding the English system as an example for this country. His views then expressed received the approval of the President of the Department, Mr. Adderley. If it was indispensable to have a teacher likely to interest the child, it was equally indispensable that the dead instrument should also be calculated to attract his attention and excite his interest.

The Rev. Mr. D'Orsey objected to the present system of elementary instruction, and praised the German system, which attracted the child and excited his interest on the subject. Wherever it was practicable he was in favour of three departments in a school—the initiatory, the junior, and the senior. He would make it a *sine quâ non* that the teachers should be fully able to do their work, that was, to impart the instruction. No man should be appointed a teacher who had any great defect in his pronunciation.

Mr. Wilkinson, (of the Kildare Place Training Schools,) stated that in these schools were to be found all the improvements recommended by such men as Pestalozzi. Their work consisted of two distinct branches—what to teach and how to teach it. Of all classes of Her Majesty's subjects in Ireland the most unfortunate was the schoolmaster class. Very often fifty or sixty children, of various ages and capacities, were sent in upon one man to learn everything, from the alphabet to trigonometry. But he was human, and there was a limit to his powers. The visit of the inspector was not looked forward to by the teacher as the visit of a friend so much as that of a detective. The object of the inspector was not to find out what had been done, but what the children did not know. Mr. Wilkinson complained of the injustice often done to teachers by the reports of inspectors unfit for their positions, and said that by the result of such reports the spirits of excellent teachers were sometimes broken.

Dr. Willock said—It is to me a cause of satisfaction that the suggestions I have offered have been to so great an extent approved. There is one of them, however, to which Mr. Frazer has objected, on which I would say a few words in the way of explanation. I fully agree with him that the qualifications of an infant school mistress should be of the highest kind, and that it requires a peculiar order of intellect to teach young children. But here is the difficulty:—If in country places you do nothing until you get teachers of this kind, nothing will be done; and education will come to a dead stand. In towns and in a few other favoured localities it is possible to have infant schools such as would satisfy all the requirements of theory, and be perfect in their details; but in thousands of places throughout the country we must use the inferior materials which alone are attainable, and turn them to the best account. It is for this reason, looking at the subject in a practical way, that I have suggested the establishment of an humble class of schools, like small dame's schools, definite in their object—teaching reading to the youngest class of children—unpretending in their nature, and yet doing valuable work at a moderate cost. Such is the character of my suggestion, which proceeded from no desire to undervalue or dispense with the regular infant school wherever it can be established.

DISCUSSION ON IRISH NATIONAL EDUCATION.

On the reading of the papers by the Rev. Dr. Willock, Rev. A. M. Pollock, and Mr. David Ross, printed at pp. 270, 294, and 301, the following discussion ensued:—

The Rev. Alexander D'Orsey begged to offer one or two remarks. In reference to the public education of Scotland, he observed that mixed schools had been the practice there for the last twenty years, to his own knowledge. He instanced the case of a school of 700 boys of different creeds, where not a single incident of religious discussion or controversy arose. He did not mean to say that the religious element was eliminated from the education of the boys; nothing of

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the kind. But sectarian controversy was avoided, while they received an intellectual and moral education, embracing too the great principles of religious teaching on which all sects of Christians agreed. He would say, not in a spirit of ridicule or of sneering, that the clergy of the Protestant, and of every denomination, ought to come forward and teach the children of their flocks. He held it to be the duty of every clergyman not to sit luxuriating over "Essays and Reviews," or indulging in speculative disquisitions, but to work, to do that which was his business, to go forward into his parish, and undertake the religious instruction of the children of his people, not leaving it to any teacher whatever. This would be the proper solution of the religious question in this country. The clergy would then occupy their true position, that of the religious instructors of the people, and be as much the schoolmasters of the people in religious matters as the ordinary teachers were the schoolmasters in secular matters. Then we would have the schoolmaster and the clergyman working together, and not have the former merely a subordinate and the latter an occasional visitor of the school. We would have the schoolmaster thoroughly recognised in his professional capacity, and might hope to see the day when a schoolmaster will sit on the bench as Minister of Public Instruction. Until something of this kind was done—until the schoolmaster was placed in his proper position, and the scholastic profession classed, as it ought to be, with the other learned professions,—it would be imposible to get men of a high class to enter it, and it would remain, as it had been well described, either a "young ambitions ladder," or a refuge for the destitute—for broken down tailors, bankrupt publicans, and dismissed railway clerks.

The Rev. Mr. M'Ilwaine, (of Belfast,) said his impression was that a crisis in the history of education in Ireland had arrived—a crisis when, if there were forbearance, moderation, and Christian charity on both sides, a solution might be had of this great question. He was totally and entirely opposed to any separate system of education in Ireland; and, whether denominational or separate, he was opposed to it from bitter experience. He thought that the opposition to the principles of the National Board had been gradually narrowing itself, and they were now ready to concede some of the great fundamental principles. There was, first, the supremacy of the Word of God; secondly, the right and duty of every man to read it; and, thirdly, the connexion between religion and education. There was, however, another principle equally important—liberty of conscience,—that if a man denied or approved of any of these principles, he ought not to suffer therefor. Was it not possible that they who held those principles might change their practice, yet leave their principles intact? He could readily conceive such an arrangement, as would, without any sacrifice of principle, adjust the practical difficulties of the question. He believed the time was come when those principles which he had stated might be asserted and maintained. They had, in fact, all been conceded. The Legislature had come to this, that they would not punish any man for adhering to principle. A great deal had been said on the difficulty of legislating for a minority; but was Ireland to be put out of the pale of nations because of an extraordinary phenomenon in her population? He thought the heads of the Established Church in Ireland ought to meet and take counsel to see how the question might be met. One thing was certain: until the National Board was remodelled, Ireland would never be as it ought to be. Let the Board be composed of men who had won prizes in their educational career, men who had graduated in some of our universities,—an educational board in reality, and not merely men who had accidental qualifications for the office they held.

The Rev. Mr. Fraser, (of Paisley,) congratulated the meeting on the tone and temper of the discussion. He found the following singular state of matters in Ireland: a so-called national system, discovered, on examination, to be denominational in its action; and besides the National System there was another—a voluntary system, also denominational. Of 2000 clergy of the Irish Church not 100 supported the National System. In the Protestant schools of the Church Education Society there were more Romanists than there were Protestants under the National System. In the schools of the Church Education Society there were from 10,000 to 11,000 Roman Catholics. After twenty-five years' trial the National System had been found unsatisfactory. Mr. Fraser related

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some results of personal inspection of the schools in Dublin, and observed that the denominational system was not a good system if it could be avoided. It was unfavourable to the highest interests of education, but he would a thousand-fold prefer a denominational system, with its religious fervour and zeal, to a cold and cheerless secular system.

Mr. Lefroy, M.P., said he rejoiced in the temper which had governed both sides of this discussion: but as the discussion had been carried on chiefly by clergymen, he thought it not unbecoming as a layman to say a word on the question. The Established Church in Ireland had led the way in the education of the people in the schools of the Kildare Place Society, which gave religious instruction without going into the peculiar tenets of any Church. As to the present constitution of the National Board, it was not worth an observation, as its continuance was a matter of impossibility in its present constitution. Now, it must be recollected that they were not there merely to condemn the existing system without saying what system they would recommend in its stead. His (Mr. Lefroy's) opinion was, that the system proposed by the late eminent Bishop of Ossory was that which was fairest for all classes in this country. He would wish the clergy to go among the people and instruct them in the religious tenets of the Church, at the same time that he admitted the right of Roman Catholics to do the same. He would have a paid Board, responsible to Parliament, and a system established by which the best secular instruction would be secured, and where the clergymen of different persuasions would each have an opportunity of teaching his own tenets.

Mr. A. M. Sullivan denounced the National System as leading to hypocrisy and deception, and gave instances from his own observation of the way in which it worked. In a convent school under the National Board in Dublin, he saw the various statues of the Blessed Virgin and the saints, and other adjuncts of the Roman Catholic religious worship, secreted in nooks and places where they could be skilfully concealed from view during the hours for secular instruction; and the "altar," like the famous piece of furniture which was a bed by night and a chest of drawers by day, was turned into a desk during the hours of secular education. He contended that such deception had an injurious tendency on the mind of youth. The speaker instanced what he characterized as similar deception on the part of the conductors of a Protestant school under the National Board. He also adverted to the necessity of omitting or mutilating the course of historical study in national schools. He believed in the Church Education Society's schools history was taught, but this important branch of education had to be omitted in national schools. The children were never taught even a chapter of Irish history. Religion was the surest aid and guide of man, and he believed the progress of Scotland was largely owing to the excellent system of education there.

Professor Gibson took exception to the statement that by common consent the National System had been pronounced a failure. As a Presbyterian he begged to differ from that statement. It was not the view of the Presbyterian body, nor, he believed, of many more who did not belong to that body, that the National System had proved the egregious failure it had been represented. The Presbyterian Church had been for twenty years connected with the system. The terms of alliance were agreed on in 1840, and since that time the Presbyterian Church had worked harmoniously with the National System. He hoped Government would be sustained in standing by secular education on a broad and comprehensive basis, leaving it to the Churches each to supply its own distinctive teaching in its own form and way.

Mr. Whiteside, M.P., desired to say a word in regard to what had fallen from the speaker who had last addressed the meeting. A phrase of his caught his ear—"When the Presbyterian party formed an alliance with the National Board." That was a very correct expression. The system into which we are inquiring is supposed to be "national." It is a very odd thing that a particular Church should find it necessary to enter into a diplomatic conference with a system presumed to be national. After a full investigation, this body of Presbyterians arrived at the conclusion that an alliance might be formed with this so-called National System. That was strictly correct. The Presbyterian

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body, before forming the alliance, laid down their conditions. They said, "These are our principles: we will no more stick up a board in our schools to warn children off the premises than we would set fire to the Scriptures." Dr. Cooke told me himself he never would do it: and I have no notion of hearing it stated in public that the same principles are applied to the Presbyterian Church that are applied to the Roman Catholic and Established Churches. I deny that distinctly. If that be satisfactory to the rev. gentleman who has spoken, I admit it is a forcible argument that the system is reconcilable and satisfactory to a body of men so orthodox, able, and Scriptural as the Presbyterian body. To apply the argument: I say, if there be a body equally learned, able, and Scriptural, their opinions ought not to be ignored in considering this question. Who commenced the work of education in this country? The Established Church in the Kildare Place Schools; and there are on record fifty letters of the Roman Catholic clergy, saying they approved of their principle, by which they had a good secular education, and were at liberty to teach their own version of the Bible, which was a very good one,—the Douay version. Mr. Whiteside proceeded to observe that he did not pretend to say that any man in his senses would advise a system which would exclude the majority; but no greater tyranny was ever inflicted than to say that a majority must control the judgment and conscience of the minority. He would tell any Prime Minister that he might as well attempt to lift St. Paul's on the palm of his hand as attempt to change the convictions of the people on the subject of education. His (Mr. Whiteside's) opinion was, that the system proposed by the Bishop of Ossory was the right one. He did not believe that the so-called National System could continue, and he thought the discussions on the subject must tend to good results, for, though learned and illustrious men might change their opinions, yet men not so learned and illustrious might, by their firm adherence to the same clear and consistent line of conduct, succeed, for consistency and firmness must in the end prevail.

The Rev. Dr. Willock, F.T.C.D., supported the National System, and contended that it met every reasonable requirement. He was as anxious for the religious education of Protestant children as any one, but he could give them a sound religious instruction under the National System, simply by allowing the Roman Catholic children to retire when the religious instruction commenced.

Mr. O'Brien, M.P., as an Irishman, would not hesitate there or elsewhere to express his deep sense of the benefits which the system of national education had conferred upon his countrymen, results which were rendered the more apparent by that system of competitive examination under which he was rejoiced to find so many Irishmen obtaining their fair share of official employments in the country. There were objections, no doubt, which militated against the system, and finding that the majority of the clergy of his Church were in favour of the denominational system, he was prepared to waive any preconceived opinion which he might have formed, finding that those to whose hands must necessarily be intrusted the education of the large masses of the Catholic population of the country preferred denominational grants. He had observed there to-day, as, indeed, he had learned before, that the fiat had been pronounced by the clergymen of all persuasions *delenda est* the National System; but he was anxious, indeed, to learn, and to have it stated in that Section plainly and fully, what was the plan proposed in its stead, for he felt certain that no man in that assembly would be content to relinquish a system of education which they enjoyed were no substitute to be obtained. He knew the plan proposed by the heads of his own Church; but he must confess his ignorance of the intentions of what he might denominate the Church Education party on the subject, and he had expected to have heard from some of the reverend speakers there that day, who had so energetically abused the National System, some inkling of the course which they would require Government to adopt. Were moneys to be allocated to each sect according to population, affording to the Protestant or Presbyterian a Protestant or Presbyterian education, and to the Roman Catholic a Catholic education? Such a proceeding he could understand: but the Section would forgive him if he expressed his doubts as to that being the *bonâ fide* view of many—nay, indeed, the majority—of the members of the Church Education Society, a doubt in which he was strengthened when he recollected that in one of the existing class of schools

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under the National Board (a Protestant being patron) they could afford any amount of Scriptural or religious education required, provided—mark, provided—that the Catholic children, if any attended the school, were removed from such sectarian teaching. He (Mr. O'Brien) was opposed to proselytism, whether from Catholic or Protestant hands. It too often unsettled belief without supplying a faith in exchange, and he, for one, in his place in Parliament or elsewhere, would ever oppose the payment of the moneys of the State, collected from all sects and parties, to the purpose of proselytizing, under the guise of an impartial system of education, the children of persons possessing the will but not the power to prevent it.

Mr. Henry Devitt asked why was it that, condemned as the system was by the two great sections into which thoughtful men were divided in this country, it continued to exist? He believed it was in consequence of the unreasonable and untenable demands of the Church Education Society, and that section of the Protestant clergy which worked in unison with it. The Church Education Society and its clergy demanded the public money, not for the purpose of educating the Protestant poor in Protestantism—an object in pursuit of which they would have the support of every independent man—but for the purpose of teaching their religious views to Roman Catholic children. Now, he could tell them that this would not be permitted. The whole Catholic body were opposed to it. Not alone the clergy, but the Catholic gentry—the professional, the educated, and the influential classes—were determined that no one should teach religion to Catholic poor children except Catholics. If efforts were to be made to teach Protestantism to Catholic children, they must be made at private cost, and not at the expense of funds for the supply of which he and every other Catholic was taxed. Why should not the poor Catholic child, educated at the expense of the State, have his religion as well protected as the children of the opulent classes, who were educated at Stoneyhurst or at Clongowes? It had been suggested that some system of hybrid or nondescript religious teaching could be devised in which Protestant and Roman Catholic could be alike instructed. But he told them—though without pretending to speak with authority, for he was only an amateur theologian—that that was a practical impossibility. No Roman Catholic would consent to receive any religious instruction for his children except through or from his own authorized religious teachers.

The Rev. J. Hall said though some of the friends of the National System did not deem it proper to join in the debate, they rejoiced in the discussion, believing that truth would in the end prevail, and civil and religious liberty be triumphant.

The Rev. Mr. Foley said the nation would never carry out the desires of the Roman Catholic party. He had listened to the opinions expressed on the part of the Roman Catholic party, as well as those by the Protestants, both equally opposed to the National Board. It was incumbent on every Protestant to pause before he put an end to a system which, whatever its faults, was tending to the extirpation of many prejudices, and the spread of enlightenment through the country. They ought to struggle on for the right of free thought against the tyranny of tyrants, ecclesiastical and civil, in every land. What the Roman Catholic people wanted was to put the education of the country in the power of the Roman Catholic bishops. The nation would never consent to have that done. Every freeman in the land would stand up against it. It was out of the question. Well, then, the other side wanted a Protestant education exclusively. That was also out of the question. Let Protestant principles be taught by private effort, but let not Protestants ask to have the principles of the Church Education Society supported by the State.

The Rev. Dr. Quin, of "St. Lawrence O Toole" Roman Catholic Seminary, said Roman Catholics did not wish to encroach in the slightest degree on what they considered the right of the Government to look after the money which it gave for national purposes. They only wished the State to allow Roman Catholics and Protestants, in proportion to their numbers, grants for the purpose of educating their children. There were 4,000,000 of Roman Catholics, and the wishes of those 4,000,000 ought to be carried out; he did not see why any minority should stand up and dictate to a majority. What right had any man to say that Roman Catholic laymen should not submit to their clergy, if they thought fit to do so?

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SECOND DAY'S DISCUSSION.

Mr. KAVANAGH said the system devised by Lord Stanley never contemplated common religious instruction. After the first meeting of the Commissioners they applied for and obtained permission to try the experiment of composing books, into which some religious matter, common to all denominations of Christians, might be introduced. The result of this permission was what were called the Scripture Lessons. The translations for these lessons were made by the Scotch and Presbyterian ministers. Here was a version different from the Douay. The general Scripture lesson every national school teacher was expected to inculcate. That was inconsistent with the doctrines of the Catholic Church. With respect to the books generally, Irishmen or Catholics had nothing to do with their composition. Would Englishmen or Scotchmen submit to the indignity that Irishmen and those of a different religion should compose their school books? Up to 1840 every child, no matter what his religion, was protected as to the religious teaching, and the patron was bound to allow the pastor access to the child in the school at reasonable times. The parental right was recognised. But then gentlemen interposed to save, as they said, Catholics from the tyranny of their priests. But that which was tyranny here was legally acknowledged in England and Scotland, where the right of the Church over the education of the children was granted. What was horrible here lost all its horrors in England. In 1845, nine of the fourteen Protestant prelates, 1,700 clergymen, thirty-three peers, 1,682 influential landlords supported an address condemning the principle and rule of the National Board, which not only prevented Protestant patrons from compelling a Catholic child to read the Bible, but which required them to be the parent's agents in excluding the child from the school. It was stated in that address of 1845 "that the parent had no right to require others to be his instruments in enforcing an unlawful exercise of his authority over his child." The rule thus objected to was altered in 1847 for Archdeacon Stopford, and the difficulty being thus cleared away, these gentlemen joined the National Board.

The Rev. H. RENTON said that they were all agreed as to the importance of the subject under discussion. No parent who had any regard to the religion which he professed would wish to intrust the religious education of his children to any one but a party in whom he had perfect confidence—whether he was Roman Catholic, Episcopalian, Presbyterian, or Congregationalist. If the man were sincere he ought not to compromise his faith, and he ought to be earnest in seeking to inculcate what he believed, and to propagate it. It was nothing more or less than a compromise, or concession of principle, to say, "I will let this alone, if you let that alone." There is a wide range as to which they were all agreed, and with respect to which they ought to act together. It was a true principle of political economy that the State ought to supply nothing to the subject which the subject could supply to himself. They were speaking, of course—it should be borne in mind—with reference to poor children. It was only on the principle that the State provided food for paupers and destitute persons that it should provide education for any portion of its subjects. If the State provided education for a portion of its subjects for which there was no other provision, it should be done justly, knowing no distinction of religious opinion, no diversity of faith, but simply supplying the article on the principle that they administered relief to paupers. What, then, were they to supply? Only secular instruction—only that which each child needed, and which its parents would expect to be taught to it. In like manner the State should be anxious to get the best teachers for the poor children, irrespective of their religious profession. Did he ignore religious instruction? By no means. Did he underrate its importance? By no means. He appealed to Roman Catholics and to Protestants, and asked where obtained they earnest religious instruction? Was it in the schools supported by the State? No; but earnest and devoted men, in connexion with their respective Churches, taught those great truths which it was their bounden duty to impart. It no more lay with the State to furnish religious instruction than to provide food for those who could provide it for themselves. If the object were to train children of one class and one age together, it should be done in the most economic manner; but care should be taken to put down in the schools anything

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bordering on polemical discussion, and to leave religious instruction to be given by the parents, and by the clergy of the Church to which the parents belong. He admitted that the systems in Ireland and England were entirely adverse. It was an extraordinary and a disgraceful thing that it should be so. They should try and get rid of denominationalism—a system by which money might be extracted for the instruction of children and applied for the propagation of something else.

Professor HENNESSY considered that neither of the papers had given a correct solution of the problem, which was freedom of education. Upon this question he had, on a former occasion, stated these views:—"The interference of the State with education should be strictly equitable, whether in furnishing resources for its maintenance, or in giving the weight of a formal recognition to the results of its operations. No exclusive monopoly of education by the advocates of a single special system should be allowed to obstruct the diffusion of knowledge. Every religious or secular educational party should be entitled to receive its fair proportion of the assistance granted by the State for the promotion of education, and no student who has stored his mind with the treasures of science or literature should encounter any obstacle in obtaining a just acknowledgment for his attainments. In no country is a clear exposition of the principle of freedom of education more imperatively demanded than in Ireland." This, he thought, covered the whole subject of education. According to his view, it followed that those gentlemen who were in favour of the secular system had a right to obtain a fair share of the bounty of the State to support their system. But they should not have the right of forcing their system upon others. Those who were in favour of the denominational system had an equal right with the secular party. In Ireland there were three departments of education, the elementary, the intermediate, and the university. He was obliged to unhesitatingly confess that the elementary came closest to the principle of freedom of education, though in some respects it had fallen short. He thought the National System might be modified with success.

The Rev. HAMILTON VERSCHOYLE expressed his opinion that the opposition now manifested to the National System by the Church Education Society on the one hand, and by the Roman Catholic clergy and a section of the laity on the other, would become gradually weaker. He believed no system but the National System could be worked in Ireland.

Mr. SULLIVAN said they were not there to approve of a system because no other would be given to them, but to ascertain the best, upon principle and justice, and not upon expediency. He strongly denied that the Catholic laity supported the National System. The thousands they had expended in creating and supporting schools not under the National Board, showed that the National System did not receive their support. The system supported in England, Scotland, and Canada, should and would be established here.

The Rev. Mr. GIBSON said the question was one of compulsion or non-compulsion. He protested against any system that would force upon a child religious teaching differing from the religion of its parents. Was a national system of education to be made a great national machine for proselytizing?

The Rev. HAMILTON VERSCHOYLE said—I have derived great pleasure from listening to the discussion of this important question yesterday, as well as to-day, and am very thankful that there has been so much moderation of spirit and of language on all sides. I wish to take a practical view of what we ought to do in the present crisis. It seems to me that two very important parties, represented by the Church Education Society on one side, and some Roman Catholic gentlemen on the other, have put forth their views very distinctly, and in various forms of expression; but one cannot help observing that however opposed to each other,—although as widely separated as the antipodes as regards their principles—they do agree in this one thing, namely, that education ought to be denominational. I can see no other state of the question, as gathered from the result of yesterday's discussion. Further, I think—as was very well put by Dr. Willock—the denominational system is that which enables the patron of the school to refuse secular education to every child who will not accept his religious instruction. The National System protects the child from being taught a religion of which his parents disapprove. The denominational system, as

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applicable to this country, has the one great and irremovable objection, that it allows the patron of a school to teach his own religion to the child in opposition to the will of the parent. Thus, not only truth might be taught against the parent's wish, but error likewise. That I believe to be fatal to the denominational system being accepted by the British Parliament, and therefore it seems that there is only one alternative, and that is the maintenance of the National System. I do not want now to express my opinions about principles; I am only dealing with facts; and that there is no other alternative is proved, to my mind, by the fact that last year the great body of the Irish clergy distinctly repudiated the denominational system, and yet now I see that, so far as the organs of the great body of the Church are to be regarded as expressing their sentiments, they acquiesce in it. That is the point I wish to press particularly upon the attention of the assembly here present. The thing that naturally occurs to me, viewing the present position of the question, is this:—If there be a combined assault by the two parties upon the National System, to all appearances it must be in danger, and we might expect it to be overthrown. But is that really likely? I for one do not believe it is. I believe that there is not the slightest likelihood of it, and I will tell you why. I have analysed the powers of the two parties, and with respect to the Roman Catholic party the opposition comes entirely from the Roman Catholic clergy. The Roman Catholic laity certainly approve of the system. It is proved by the fact of their attendance, and that, moreover, after the strong expressions of disapproval of it which have been enunciated by their clergy. If they disapproved of the National System they would have abandoned the schools at once. The continued attendance of the Roman Catholic laity shows that they lead their clergy *nolens volens* to the system, and therefore I do not think that the opposition of the Roman Catholic party against the National System will be very strong, nor do I think it will be increasingly strong—yea, I think it will be increasingly weak. Now, with respect to the opposition of the Church Education party to the National System—whatever strong reasons they may have, and in many of them I have been thoroughly a sharer myself—I still look at the matter in a practical way, and I do not think they will be very strong in their attack. On the contrary, I am disposed to think that they will be growing every year weaker and weaker. Why do I say so? Every day we see and know, and have proved before our eyes, beginning with the venerable Primate, who has arrived at this conclusion in his old age, when no one could possibly suspect him of any object but the good of the Church, and going on to many of the clergy, we see that the objections entertained by the Irish clergy to the National System are to a great extent given up. They see that those objections were carried to an exaggerated extent, and that they really were not objections that could be maintained on the ground that it was unlawful to receive aid from the Board under any circumstances.

The Rev. Alexander M. Pollock said—I have listened, Sir, with great attention to the debate of to-day and yesterday, for in truth it originated in a very great degree from the paper I read. I have observed to-day as well as yesterday, that there have been no substantial objections whatever brought forward to the suggestions I then made, and to which the objections made by my reverend and venerated friend, Mr. Verschoyle, do not apply. The thing need not be denominational on the one hand; on the other, it need not continue as it is on the present national basis. It is substantially that put forward by the Ven. Dr. Chalmers, when he said:—"In any public measure for helping on the education of the people, Government was to abstain from introducing the element of religion at all into their part of the scheme, not because they held the matter to be insignificant—the contrary might be strongly expressed in the preamble of the Act—but on the ground that in the present divided state of the Christian world they would take no cognisance of, just because they could exert no control over, the religion of the applicants for aid, leaving this matter entirely to the parties who had to do with the execution and management of the schools which they had been called on to assist." That is the proposal and plan which I have endeavoured to sketch. It leaves every patron free to give religious instruction, so that what I claim for myself I give to those who conscientiously differ from me. Good is secured, while conscientious convictions are respected on all hands.

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Rev. Mr. VERSCHOYLE—I trust you will explain to us the difference between your scheme and the denominational system. It appears to me that they are identical.

Rev. Mr. POLLOCK—Those who have advocated the denominational system demanded that certain sums shall be given to them, over the expenditure of which the State shall have no control.

The Rev. Mr. VERSCHOYLE—That is what the Roman Catholic hierarchy demand.

Mr. KAVANAGH—They never asked it. They repudiated it.

The Rev. Mr. VERSCHOYLE—I did not understand the Roman Catholics who spoke here to demand it.

The Rev. Dr. WILLOCK—If you allow me, Mr. Chairman, to put a question to Mr. Pollock, we shall obtain the information which Mr. Verschoyle asks for. Would you, Mr. Pollock, in one of these schools which you advocate, allow a Roman Catholic child to retire when the hour of religious instruction arrives?

Rev. Mr. POLLOCK—Yes, if he desired to do so.

The Rev. THADDEUS O'MAHONY, Established Church catechist to the Marlborough Street Model School, put the question in another form—But would you refuse him the secular instruction next day?

Rev. Mr. POLLOCK—I wish distinctly to state that what I ask for myself I am willing to grant to others. If a child comes to my school to obtain secular instruction, I will not consent to give him secular instruction unless he receives my religious instruction.

Rev. Dr. WILLOCK—Surely that is the denominational system.

In reply to the Rev. Mr. Fraser, the Rev. Nash Stephenson stated that in England the grant was not given to the religious body, but to the school.

Rev. Mr. POLLOCK—There should be nothing hidden. The principles on which the school was conducted would be made known to every one sending children, and they would do so with a full knowledge of the religious instruction to be imparted. One observation I am very desirous to make before I sit down. Dr. Willock said that in case of delinquency he would be able to refer the child to the Ten Commandments. I maintain that such an amount only of religious instruction has a tendency to Deism. It is nothing more than pure morality. It has nothing of a higher order. It has nothing in it that affects the heart—touches the feelings—gives vitality to the soul. Such religious instruction as that will never suit any party in this country. It is the shadow, not the substance, and even this is to be given not as extracted from the Word of God, but as a piece of morality. It never will be adopted by those who have their hearts really in the cause of the education of the people. Until greater liberty than that is given to us, we must hold the opinion that religious instruction is practically excluded. I feel fully the difficulties that surround the question, and I declare my conviction that the agitation of it in such an assemblage cannot but be attended with good results, and, in the name of truth and patriotic devotion for our distracted country, I entertain the ardent desire that something will be devised that will do greater justice to the noble subject of education than anything yet suggested, and at the same time, do full and ample justice to the conscientious convictions of all classes.

Mr. ALEXANDER SULLIVAN contended that Mr. Verschoyle was not correct in stating that the National Board was only assailed by the Roman Catholic clergy, and not by the laity. As a layman he denied it, and he denied it in the presence of the O'Connor Don, who had spoken against it in the House of Commons. He had not heard a single argument brought forward against the case made out by Mr. Pollock, substantiated by Mr. Fraser, and supported by the majority of the clergy from England and Scotland. The denominational system had worked well in England, in Canada, in Australia,—all through the British empire—why, then, was it not extended to Ireland? Or was it believed that the mixed system of Ireland was better than the system which prevailed in all other parts of the empire? It was not the fact, as had been stated, that the opposition to the National Board was growing weaker; on the contrary, it was gathering strength.

Rev. Dr. GIBSON—Mr. Pollock confessed, as a conscientious man, that he would not impart secular instruction to any child unless that child accepted his

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religious instruction. The whole question turned on that. It was a question of compulsion or non-compulsion. They were not to forsake their principles, but they were not to make them an engine for proselytism. Mr. Pollock had stated that an appeal to the Ten Commandments merely, without more direct reference to the Word of God, had a tendency to lead to Deism. He (Dr. Gibson) took leave to differ from that. There was a law within, in the heart, the law of conscience, which was also a law of God,—a law which God recognised, and to which His inspired apostle referred. It was competent, in carrying out the religious instruction of the National Board, to appeal to the moral nature, and to give a right deliverance on that subject sufficient for all purposes, without entering into any exposition of the Christian revelation.

The Rev. Mr. Pollock—repeated that every parent sending his child to the school would be distinctly acquainted beforehand with the principles of the teaching which his child would receive. It was a complete delusion, therefore, to call that a proselytizing system.

Dr. Willock, in reply, said—While no one has attempted to disprove the facts which I have stated in my paper respecting religious instruction in national schools, except by pronouncing the Ten Commandments and the words of Christ contained in the "general lesson" to be "Deism," the result of all this discussion has been that the true character of the claims put forward here by Mr. Pollock, as the representative of the Church Education Society, is now clearly brought to light, and cannot be mistaken or misunderstood by this Section. He has declared that he asks for schools, to be supported by Parliamentary aid, the patrons and managers of which shall have power to refuse secular instruction to every child who will not accept, or remain for, the religious instruction. There are to be, according to his scheme, on the one hand schools under Protestant clergymen and laymen of all denominations into which Roman Catholic children will not be admitted as scholars unless they accept Protestant religious instruction; and on the other hand schools under Roman Catholic priests and laymen which Protestant children cannot frequent without receiving Roman Catholic religious instruction. That this is his proposal is evident from his replies to the question put to him, and from his own words, "What I ask for myself I am willing to grant to others." Now, Sir, deny it who will, I say this is the denominational system. That expression, in its correct and recognised acceptation, does not denote schools in which all, or the great majority of children, are of one denomination. It does not either denote a system in which irresponsible grants are made to separate bodies, the State exercising no control over either the education or the expenditure. It does not denote either the one or the other of these, though it has been made to do so in this controversy; but it is an expression having a well-known definite meaning, derived from an actually existing state of things, and commonly applied to the educational system of England. In that country it denotes schools under individual managers of all denominations, aided by the State, in which the managers arrange the religious instruction as they think right, exactly as Mr. Pollock claims for his schools; and in which secular education is refused to every child who will not accept the religious instruction also.

The Rev. Nash Stephenson—No; that is not the English system.

Dr. Willock—Surely I cannot be mistaken. In the English Protestant schools, is not secular instruction refused the Roman Catholic child who will not accept the religious instruction?

Mr. Stephenson—No.

Dr. Willock—But is not the Roman Catholic child obliged to receive some portion of the religious instruction?

Mr. Stephenson—Yes; he must read the Bible daily without note or comment.

Dr. Willock—That is sufficient; he must receive some religious instruction. I knew I could not be mistaken. He must read the Bible—the authorized version. But to read the Bible without the interpretation of his Church is to the Roman Catholic denominational teaching. Roman Catholics would consider it so; and, therefore, what Mr. Pollock demands for his schools—the power to refuse secular instruction to the Roman Catholic child who will not read the Bible—is identical with the practice of the English denominational schools, and he,

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seemingly without being aware of it, is really labouring to introduce into Ireland the denominational system. Now, Sir, I say that this system would be most injurious to Ireland, especially to the Protestant population of it. The reason becomes evident when you understand the distribution of that population. There are numerous localities, especially in the south and west, and many too even in the north, in which the Protestant child population does not exceed four or five, while the Roman Catholics are in fifties and hundreds. How would Mr. Pollock's system work in one of these places? There would be, of course, a fine school, with a large average attendance, a good salary, and a competent teacher, under the priest; the religious instruction would be such as he ordered, and compulsory on every child. But what about the Protestant school and the five Protestants? Would there, could there be a separate school for them? Impossible! five children cannot make a school; it would languish and die, or the master would languish and run away. And the end of it would be, that these five Protestants would either remain at home, do without education, and grow up in ignorance, or they would attend the only possible school—the priest's—and pay as the price of their secular education, a portion of their school hours each day devoted to acquiring a knowledge of the Roman Catholic religion. Will any Protestant clergyman stand up here and tell me that this would be a beneficial state of things for the Protestantism of Ireland? I say, most confidently, it would not. There would be hundreds of places in which these Protestant minorities would be thus sacrificed; while there would be scarcely a spot where the Roman Catholics, from their numbers, would not have a school for themselves. The sacrifice of Protestant minorities, then—that is the feature in Mr. Pollock's scheme which condemns it in the judgment of calm-thinking men, and stamps it as suicidal when put forward by a clergyman of the Established Church of this country. Having now disposed of Mr. Pollock's educational scheme, I cannot conclude without noticing briefly another which was referred to by Mr. Renton, and which I have frequently heard advocated by some of the most intelligent men with whom I have conversed on the subject. They have said let there be no non-vested schools, no patrons or managers, but let Government take the education of the country into its own hands, and have State schools—like the model schools—and there provide the best secular education for the people, permission being given to the clergy of all persuasions to impart religious instruction at regularly appointed times to the children of their own flocks. The imagined advantage of this plan is, that it would get rid of the difficulty arising from scruples of conscience which many might feel in undertaking to become patrons and managers of schools; and being under the direct management of the Board, these schools would be sure to provide good secular education, at least for the people. Now I perfectly agree with those who advocate this plan that, notwithstanding some objections to which it is open, it would be the best plan for Ireland if it could be introduced. But it cannot now be introduced. If we were about commencing the education of Ireland; if the field was clear—no schools already in existence—and the question was, what is the best kind of school now for the first time to introduce into Ireland, I have no doubt that this Government secular system would be the best. But it is now too late for an attempt of the kind, to which a greater opposition would be made than ever assailed the National System. For a moment, let us suppose such an attempt made, and let us ascertain how that system could be introduced. Either all the present non-vested schoolhouses, 4000 in number, would be given up by their owners—for it must be remembered they are all private property—to the Government, to be converted into secular schools; or Government would commence anew, and build new schoolhouses over the whole country; while the old schoolhouses were left with their owners, to be turned into ordinary dwellings, or allowed to fall into decay. As to the first alternative, I ask here of all present, is it likely that the present owners of non-vested schoolhouses would give them up to Government to be converted into secular schools? Would the Roman Catholic priests give up their non-vested schools for this purpose? Would the Presbyterians? I ask Mr. Pollock, Would the Church Education Society do so? If they would not, what only could remain to be done? We should, as the first step, have a Parliamentary grant of two or three millions for building schoolhouses in Ireland; and,

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not to allude to any other difficulty, I ask you, Mr. President, do you think that Parliament is either now in humour, or within any reasonable time is likely to be, to grant two millions for schoolhouses in Ireland? No one, I think, will say this is likely; and if it is not, to talk now of a secular State system for Ireland is a mere dream and an illusion—a thing that cannot be realized—and the only rational conclusion to arrive at is, that since the denominational system would be mischievous, and the secular system impracticable, there is nothing so well suited for Ireland as the present National System, which, while it respects the rights of conscience, gives ample opportunity, as I have shown, to managers to impart religious instruction to every child whose parents do not object to it.

THIRD DAY'S DISCUSSION.

On the reading of the papers by Professor Kavanagh and Sir Robert Kane, printed at pp. 312—325, the following discussion ensued:—

Professor SHAW charged the Roman Catholic opponents of the National Board with inconsistency. But the charge of inconsistency did not rest on one side, it applied equally to the other. He asked his Protestant fellow-countrymen how they could clear themselves from the charge of inconsistency, seeing that they supported, in the non-vested schools and in the private schools, of the middle-classes, the very principle that they impugned in the National System? He had attended those schools in Dublin. He was afterwards the master of one of them, and he was aware that in those schools, conducted all over Ireland by Protestant clergymen, the day was commenced with religious instruction from the Bible and with the repeating of prayers. The Roman Catholics of the neighbourhood, seeing the superior education given in such schools, sent their sons there. They, of course, told the master that they wanted no religious instruction for their sons, but that they wanted secular instruction, and they sent their boys at half-past ten o'clock, or at whatever hour the religious instruction had concluded. In all his experience he never knew a solitary instance of a master refusing to take a boy on these terms. The Protestant laity, the Presbyterian laity knew of this system. They sent their boys to the schools, and never dictated to the master to refuse Catholic boys who attended on the terms mentioned. Why should his fellow-Protestants abandon this principle when they came to the education of the poorer classes? He would tell them. Because they thought that the poorer classes of the Roman Catholics could be plundered, could be bribed out of their religion. They dare not, they could not, interfere with the middle classes of Roman Catholics, but they conceived that they could purchase or bribe the lower classes into abandoning their faith. The desire to proselytize the poorer classes of the Roman Catholics led many Protestants to reject the principle of the National System, and to call for another, the denominational one. But leaving that, let them test the case on the other side by the principle carried out in Trinity College. Roman Catholics never hesitated to avail themselves of the secular instruction given by the University, but they invariably declined the religious instruction. Yet, as a great Protestant institution, Trinity College gave universal satisfaction in this country.

Major O'REILLY said he agreed fully with Sir R. Kane as to the requisites that ought to be supplied by State education for the people—namely, that every child should be fully protected from all interference with its religious belief. Now, it was his objection, and that of the Roman Catholics of Ireland, to the National System, that under it the faith of the Catholic child was not fully protected. He would not have risen at all, only that Sir Robert Kane had said that all the clergy desired the National System.

Sir ROBERT KANE—I don't consider that all the Catholic clergy desire it; on the contrary, I believe a large proportion of the Roman Catholic clergy don't desire it.

Major O'REILLY said that as Sir Robert Kane spoke of what he said was the feeling of the Catholic clergy, he would take leave to speak what was his own feeling and the feeling of those who acted with him, and it was, that in all State

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education, in national schools and otherwise, there should be absolute freedom of education—perfect non-interference by the State either in religious or non-religious teaching. That was the principle carried out in the London University to which he belonged—there the teaching might be Protestant, Catholic, or Jewish, exactly as they chose. The first of Sir Robert Kane's objections to denominational education was, that it would revive proselytism. As to that, all he could say was that he did not believe that any Roman Catholic would ever shrink from any fair attempt to make proselytes from that to other religions. They did not desire to prevent Protestants from persuading Catholics to become converts to the Protestant faith by every fair means in their power. The next objection was that the denominational system would prevent the co-ordinate growth of united liberal education. That could not apply to the poor schools, and the fact of religious education being the principle of the others would not prevent the growth of united liberal education. The third objection—namely, independence of inspection, he would combine with the fourth, in which Sir Robert Kane asserted that the clergy desired to govern all education—that the Catholic Church held that all education was thoroughly and entirely within her sphere. He spoke under the correction of many clergymen present when he said the Church claimed no such thing. She claimed religious education, in which respect all paid her deference. Over secular education the Church claimed no control, and practically, he might say in one great instance that had been mentioned before—the Catholic University—it was exclusively Catholic laymen that took so large a part in commencing it. They took also a large part in the teaching, and on the representative senate their action was equally free. From that instance he felt that there was no force in the objection about independent inspection in denominational schools—religious inspection, of course, was not required, and as for the secular education, that, of course, had for its object simply literary proficiency, and nothing else. He had to point out an inconsistency in the statement of Sir Robert Kane. Sir Robert advocated State education that was not denominational, and at the same time he said all who wished to have denominational education could really obtain it, for there was no difficulty in finding funds for the purpose. Contrast that with the statement in the latter part of the paper, that necessarily all funds required for the education of the poor Roman Catholics in Ireland should be supplied by the State. If that were consistent with the fact that in any place where poor Roman Catholics wished for denominational education they could have it, he must say he did not perceive the consistency. Sir Robert Kane advocated perfect freedom of education—that is, that all shall be free to institute whatever scheme they like, but he (Major O'Reilly) would observe what had been remarked by Montalembert in France, the race in education is not free and equal if one side is weighted. If one system of education, he cared not whether exclusively Protestant or exclusively Catholic—exclusively denominational or non-denominational in Ireland—if that system be largely paid and endowed by the State, free, independent education running alongside of it cannot be said to have a fair field and no favour. That principle was endorsed this very year by Parliament, when it refused to make grants for literary teaching in the model schools on the ground that there could be no fair competition between schools entirely supported by voluntary contributions when they were opposed in the same place by schools supported by the State. An observation had been made as to the satisfaction given by such institutions as Trinity College. Now, he begged to say that that satisfaction could not be admitted. No institution could be said to be perfectly fair that did not give all an equal chance.

The Rev. Mr. Fraser said he had listened to the interesting and valuable papers of Sir R. Kane and Mr. Kavanagh with great attention, as well as to the remarks of the various speakers upon them, and he thought that any who had heard that discussion must see that while Ireland was possessed of a national system of education in theory, it was not so in reality. First, there was no common support for national schools, either by local taxation or by prescribed voluntary contribution; secondly, there was no joint management of the schools; out of 5000 schools there were only fifty under any joint local management. Next, there was no common system of moral and religious instruction; it remained with the patrons to say whether there

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should be any such instruction in the national school or not. The Mormonite or the Jew might teach his religion in the school which was under his care, but for all the Roman Catholic, Presbyterian, and Protestant scholars in that school, no opportunity of obtaining religious instruction would be provided. This, the so-called national or mixed system, was really the denominational system exaggerated—it was the system of the individual managing his school according to his own peculiar tenets. It ignored history—the collection of the experience of past ages and countries, the nurse of manly sentiment and of heroism—and was therefore unpatriotic. It ignored religion and the Bible, in enforcing moral and conscientious obligations upon man, and was therefore unphilosophic. It was non-Christian in its teaching, and was, therefore, counteracting the process of the highest and truest civilization of the human race. There could be no reference to the teachings and examples of Christ during school hours, as evidence of the love of God for the sinner: that was impossible. Here, then, is this so-called National System. We had a system without joint local support—without joint management—without any acknowledged basis of religious teaching, set before us as a subject of investigation. The Roman Catholics were dissatisfied with the system. Episcopalians were dissatisfied. Presbyterians were not thoroughly satisfied; and they were now met in order to remedy the defects of the system so far as they could. But one solution had been suggested—that by the Rev. Mr. Pollock—and that suggestion would seem to satisfy a large portion of the Roman Catholics as well as of Episcopalians and Presbyterians. Under it the Presbyterian could have his school as at present—so could the Episcopalian—so could the Roman Catholic; it only required a good secular instruction as the condition of receiving Government money, the religious teaching being left to the different parties. Inspection had been referred to; he believed they might have under that system a thorough plan of national inspection; but he held it was not right to have the inspectors belonging of necessity to the same religious creed as the manager of a school, and coming in to examine the scholars of that school in secular instruction. He thought that managers of schools, if of the creed of the Established Church, ought to be satisfied with Roman Catholic inspectors coming into their schools to test the efficiency of the secular instruction. The Roman Catholic Church, in the same manner, ought to be satisfied with Presbyterian or Episcopalian inspectors. If the Rev. Mr. Pollock would agree to this and would take this wider view of the subject, it might go far towards a settlement of the question. He believed that if that prohibitory regulation regarding religious teaching in national schools were repealed, much satisfaction would result. That regulation discarded the Word of God, as the minutes of the Committee showed; it deteriorated public instruction, because it removed from the national school the only authoritative guide-book on the great social, moral, and religious duties of life.

Mr. Devitt said he had not time to answer Sir R. Kane in detail, as he would wish to do, but he believed the force of this observation would be felt by every one who listened to it; he would say, with all humility, that almost every statement propounded by Sir R. Kane was directly contradicted by fact. He would tell the gentlemen who said "No" that he would prove his assertion. Sir Robert Kane called the National System a mixed system; the fact was we had no mixed system in Ireland; we had an exclusively denominational system. The National System was educating the people to a certain extent, he admitted, but if so, that was only so far as it was a denominational system. It was an abortion and a failure, except as a denominational system, if not a fraud and an imposture. Sir Robert Kane said the denominational system would be a gigantic system of proselytism. He would only say that the State ought, and he would, as an humble individual, urge on them the duty of giving the best safeguards it could against any such use of the grant. He believed that whenever the denominational system should be recognised by the State, (which it must be in the end,) that schools professedly for other objects than the imparting of secular education ought to obtain no grant. Such schools as the Irish Church Mission's must continue to be supported by private persons. If there were any schools of the same character on the other side of the question, he would do the same with them. The University of Dublin had never abandoned its principle of religious instruction. It had fulfilled its mission of giving to society an accomplished race of gentle-

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men as ministers of the Established Church, of whose intellect and education they had had such examples in this Section. Major O'Reilly was a distinguished graduate of the University of London; he (Mr. Devitt) was an humble graduate of the University of Dublin, and he held it that the Catholics of both countries ought to be grateful to those institutions for supplying high class education to Catholics when there was no other institution to supply it. But the day was gone by when Catholics ought to be indebted to any Protestant institution for receiving their education. There ought to be an institution representing the greatness, the dignity, the importance, and the power of the Catholic Church in Ireland—a great educational institution for the Catholic people. The Catholics had contributed £100,000 for that object—they were ready to tax themselves to the extent of £10,000 a year, and all they asked was liberty to form and maintain such an institution, and that its right of conferring degrees should be recognised by the State.

Professor Kavanagh said he was examined in 1854 before the House of Lords, and he felt happy at that time in being able to declare that he had never witnessed during twenty-four years that he had been in connexion with the National Board one instance of a proselytizing character. He repeated that statement now with great pleasure. He had been all his previous life in the south of Ireland, and he had never met with any school which was not, in fact, denominational, and he knew nothing whatever of mixed education. Until he went to the north of Ireland he knew nothing whatever practically of its working evil. Up to this time there was no example except in the north of Ireland of mixed education and the operation of it, he did not mean to say altogether in consequence of it, but in that part of Ireland religious and party animosity was carried to a greater length than in any other quarter of Ireland. Now, the operation of such schools might be thus illustrated: suppose a Protestant boy in the south of Ireland sent to a national school under a Roman Catholic patron; the master of the school, who is a Roman Catholic we will suppose, wishes to observe most strictly the "rules and regulations" of the Board. After some time devoted to secular instruction, the hour for religious instruction comes on, and the master turns round a card, on which are printed in good large letters, a couple of inches long, the words "religious instruction." Well, the little boy does not like leaving his schoolfellows, and remains with them, and hears all the religious doctrine entirely opposed to his faith. This is no imaginary case,—the sympathy of numbers leads him to remain; the master does not compel him, does not coax, he asks no question whatever about him. Well, the religious instruction being over, the master says, "I will give you something for your father." He gives him a printed paper addressed "John is informed, in compliance with the instructions contained in rule 16, section IV., part I., of the rules and regulations of the Commissioners of National Education, that James attended the religious instruction given by me on the —— day of ——, 1861, at the time set apart for religious instruction in the above school."

Rev. Mr. D'Orsey—That is to warn him not to let the boy attend again.

Professor Kavanagh—Is this the system that the Roman Catholic people of Ireland accepted as an experiment from which should be banished—to use the remarkable words of Lord Stanley—"even the suspicion of proselytizing"? The father may, perhaps, be a tenant under a Roman Catholic landlord—say Mr. Monsell, the Earl of Kenmare, or Lord Dunraven, all zealous Catholics—or he may be illiterate, and, seeing a printed paper handed to him, he takes it for a law process, and either throws it into the fire or lights his pipe with it. No further notice is sent, and if the boy remains in that school, listening to the religious instruction until he has swallowed the whole of the doctrines of the Council of Trent, no single rule of the National Board is violated.

Sir R. Kane, on rising to reply, said—I shall only allude to two or three points on which the accuracy or consistency of my paper has been impugned. It has been said I was inconsistent in saying that if the funds for denominational education were supplied by the State, funds for schools on the mixed principle would not be supplied from private sources, whereas, in another part of the paper, I said that the funds for free denominational education would be abundantly forthcoming. There is, I believe, no inconsistency in that. If denominational education be established by the State I believe no person

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conversant with the condition of Ireland will believe in Roman Catholic districts where there are no gentry, where the proprietors are Protestant, and where there may not be in the whole parish a Roman Catholic above the condition of a moderate farmer—in those districts no funds for the establishment of the State system can be derived from private sources, but that is totally different from the proposition that where the State supports a united system available by all classes of the community, that by the zealous, admirable, and successful exertions of the religious orders, and of the laity who support the cause of education and of religion with so much success, the funds for the foundation of denominational schools such as the schools of the Christian Brothers, which are so much spread over the country, and so admirably conducted. There would be no chance of any failure of a proper supply of denominational schools over the country if the State system be united. Major O'Reilly has said that I am wrong in saying the Roman Catholic Church claims the control of secular education. I believe he will agree with me in saying that the Church does not recognise any distinction or separation between secular and religious education. In so far, therefore, that it is practically impossible in relation to the Church to draw the line that separates secular from religious education, I say the entire control must, if the denominational system be established in this country, be surrendered to the Church. Major O'Reilly made reference to the compulsory indifference of instruction in the Queen's Colleges—I regret having to refer at all to those institutions, because my official connexion with one of them may be supposed to colour in some degree my judgment in that regard—I have spoken hitherto solely and exclusively as a landlord, and as having many humble dependents, for whose education I have to care, and, therefore, deeply interested in the success of primary instruction. In regard to the Queen's Colleges, on Major O'Reilly's own principle of the Church not seeking the control of secular education, the instruction in the secular sciences must be, as it really is, perfectly free—carefully preserved from the slightest attempt at interference with religious belief, or the slightest trace of any attempt to destroy liberty of conscience. I must, however, admit this, that religious instruction in the Queen's Colleges is not entirely in the state in which it ought to be. The Government of the country, when founding the Queen's Colleges, provided that there should be attached to each college a clergyman of each religious denomination, who should at certain times, on certain days, gather together the students belonging to his creed, give them religious instruction in the fullest and most satisfactory manner, and until the time of the Synod of Thurles we were in the enjoyment of that blessing. In Cork College, with which I had the honour to be connected, the Rev. Mr. O'Connor, the Roman Catholic Dean of Residence, on every Saturday, and at other times, had the Roman Catholic students under his care, and the result of his training and precepts was, that no class of young men (a Roman Catholic clergyman of the city said,) of the same age and position, fulfilled their religious duties with the zeal and constancy of the students of the Queen's College; and Roman Catholic parents of the city, whose sons were not of an age to enter the college, applied to have their sons allowed to attend the religious instruction therein. But the decree of the Synod of Thurles put a stop to religious instruction, the clergy were withdrawn, and since that time what has been the case? Why, certainly, the students of the Established Church were cared for by their chaplain or dean of residence. We have a Presbyterian dean of residence, and even Wesleyan Methodist, who have a certain number of students in the college, but the Roman Catholic students have been deprived of the teaching intended for them by Government, though I must to their credit say, as I have stated, without fear of contradiction, elsewhere, that by their own high principles, their own sense of moral rectitude, and by the excellent example shown in their families, they have maintained the character they acquired when they had their chaplain, and there never has been brought, during the twelve years since the college has been founded, a single case of deviation from moral and religious rectitude. Let it not be supposed that while I would wish a mixed liberal education to be supported by the State, I would not wish to see the most perfect education for those of my community who do not agree in my opinions.

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DISCUSSION ON DISTRICT PAUPER SCHOOLS.

On the reading of the papers by Mr. Senior, Miss Twining, and Miss Corlett, pp. 325—344,

Mr. Fisher thanked the ladies who had brought this subject under their notice and made observations upon the deficient means in the Irish workhouses for instructing the inmates, especially the young, in such branches of industry as would be useful. The great want upon Irish farms was that of skilled labour. Mr. Fisher showed that great mischief resulted from the principle of the Poor Law, which refused to admit into or allow to remain in workhouses children whose parents did not enter or remain in with them.

Professor Kavanagh stated that he had given such attention to the condition of juvenile paupers and juvenile criminals in Ireland that he was directed by a Government Department to conduct, in 1853, an inquiry into the whole condition as to education and training of both classes of young persons. The result of this inquiry is published as a General Report, in the Twentieth Report of the National Board, which has been laid before Parliament. The unity of the Irish Poor Law system, so different from the varied systems in operation in England and in Scotland, and the fact that his inquiry applied to nearly all the 163 Irish workhouses, gave a just and comprehensive view to his inspection altogether peculiar. He, himself, visited workhouses in every county in Ireland, and the year of his inquiry they contained nearly 80,000 children, under fifteen years of age. From so large a field of investigation results of some value might reasonably be hoped. One of the obvious evils that forced themselves on his attention was that of the association of children with adults, many of whom were corrupt, and the absence of all moral classification. As one of the remedies, he proposed district union schools; but since that time he had considerably modified his views upon this subject. In the case of children, either or both whose parents are in receipt of in-door relief, separating them so far from the parent as to preclude frequent intercourse of parent and child, and thus loosening and breaking up the family tie, would be most objectionable. For the large fraction of orphan and deserted children, he thought also that placing them with families of the small farming class of the same creed as themselves was far more preferable for their bodily, industrial, moral, and religious interest than placing them in district union schools. In England, since 1846, Treasury Grants to the extent of £30,000 a year have been given to defray the annual salaries of the workhouse teachers, apart from the fact that there also is paid half the salaries of the workhouse medical officers. Mr. Ball, late member for Carlow, and who had been for years a Poor Law Commissioner, brought before the House of Commons in 1855 a motion for the adoption of the leading suggestions contained in his General Report, amongst others the establishment of district union schools. The motion was lost, not because the leading suggestions were of questionable utility, but that their adoption involved an Imperial Grant, to the right of which Lord Palmerston denied, on fiscal grounds, the claim of Ireland. To whatsoever extent the State has a right to punish, to that extent at least is it their duty to prevent, and how better could the State prevent the expense now demanded for reformatories and prisons than by the moral and industrial training of our thousands of juvenile paupers? In conclusion, Professor Kavanagh said that while he agreed with much that had been stated in the excellent papers that had just been read, his opinion was, that schools separated at short distances from the workhouses, and also the placing out of orphan and deserted children with small farmers, were the proper modes of correcting the evils of the present system.

Sir Baldwin Leighton objected to district schools on too large a scale. The system worked better when there were no more than 100 or 150 children in a school. He spoke in favour of giving boys, in workhouses, instruction in such pursuits as would really be useful to persons in their condition in life, rather than a great deal of literary instruction.

Dr. Willock said that there was an objection to the introduction of district schools for the industrial training of the poor, as well as to reformatory schools, which he had never seen sufficiently answered. It was this: if you give this high

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training to pauper and criminal children, will it not have an injurious effect as to the children of honest, hard-worked labourers and farmers, and throw out a premium for the encouragement of vice? If we are to have reformatory and pauper industrial schools, we ought to have also other schools for the industrial education of the children of the honest peasantry. Unless such schools are contemporaneous with pauper and reformatory schools, and of an equally good quality, he feared the difficulty he had mentioned would be felt. He feared also that we were in danger of going a little too far with industrial education, and attempting that which can only be done by apprenticeships. As to the proposal to have industrial schools, —one for Protestants, and another for Roman Catholics, it would be getting in the end of the wedge of the denominational system, which would have the effect of gradually uprooting and overthrowing our present national schools, and be open to all the objections to which that system is open.

Mr. Laurence Radcliffe referred to a district pauper school at Leeds, and urged that it was essential for the success of the system that the children should be required to remain in such schools, instead of, as at present, being subject to constant removal.

The Rev. Nash Stephenson pointed out the evil effects of the female children being associated with adult females of bad character. From these the children learned vice. Another thing to guard against was the children growing up in the belief and habit of thought that the workhouse was their home, to which, whenever out of employment or in other difficulties, they should return. After some further observations, Mr. Stephenson moved the following resolution on the subject:—

"That this Department, having heard the evils which arise by the retention and education of pauper children in unions containing the adult paupers, as also the advantages resulting from district union schools for the pauper children, are of opinion that the extension of such district schools is desirable, and request the Council of the Association to take into consideration the clauses of Mr. E. Denison's Act, with a view of inducing the Legislature to render the Act compulsory and not permissive, and to extend it to Ireland."

Mr. Gamble said the district union schools should be confined to the reception of orphan pauper children. If the district schools were not restricted to orphans, the effect might be very bad upon the family ties and influences. He would propose that, instead of separate district schools, they should as far as possible make the present workhouse schools answer the same purposes.

Mr. Senior stated that four or five district union schools had been tried in Ireland, but it was found that the children did not like to be taken to a great distance from their relations, still less did the parents wish to part with their children. Many of the children ran away. The family ties were stronger in Ireland than in many other countries, and he believed it was for the better that they were so. The Consolidated Fund gave large sums towards the payment of the salaries in the English district union schools, but no such aid would be given for the same purpose in this country.

Dr. Neilson Hancock was opposed to district union poor schools in Ireland. The experiment had been tried, and failed. Parents left the workhouse and became vagrants again, sooner than submit to separation from their children. The fallacy at present was, that they were applying to women and children a principle of the Poor Law applicable only to men, and formed upon evidence given in reference only to idle men. The Charter schools, which were, substantially, district poor schools, were maintained here at great expense for a century by the State. It was ascertained, by a Parliamentary inquiry, that the Charter schools were disastrous to morals and education, and the Parliamentary grant was withdrawn, and the schools overthrown. The Foundling Hospital schools were also a system of poor schools, and they had to be abolished, having utterly failed. Since then the rearing of such children had been conducted on a diametrically opposite principle, the family principle, which had been found most successful. Why should not this successful principle be applied to poor children in workhouses? and why should they sanction the principle which, in the Charter and Foundling and other schools, some in existence, had failed and had been condemned?

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Mr. ALFRED HILL explained the nature of the Scotch Poor Law regarding its non-recognition of the able-bodied pauper, and its peculiar clause of refusing relief to the woman who has one child, and giving it to a woman who has two. In this case, the system leaves a large class without assistance, to become vagrants; and it was to supply this deficiency the Feeding Schools and Industrial Schools at Aberdeen had been introduced by Sheriff Watson and Mr. Thomson of Banchory. It would be desirable to add to Mr. Denison's Act for the Formation of District Pauper Schools a clause empowering magistrates to commit vagrant children to district schools, as this would meet the intermediate class of children not subjects for reformatories, through being only vagrant, not criminal.

The CHAIRMAN said that as there was not unanimity in the meeting, he would not put the resolution proposed by Mr. Stephenson.

MISCELLANEOUS.

Professor HENNESSY, F.R.S., read a paper on "The Application of Symbols to Social Science, illustrated by the Problem of Education." The utility of symbolical methods in questions of a social character could not admit of any reasonable doubt. Statistical inquiries are essentially symbolical, for they present results in a brief numerical form. They sometimes even lead to the expression of empirical algebraical formulæ representing the laws of certain social phenomena. In questions where probabilities have to be estimated, the most refined analysis is frequently indispensable for the exact solution of the problems. The mode of applying symbols now adduced is far simpler, and is perhaps more analogous to their employment in chemistry and biological science. Professor Owen had communicated a paper to the British Association in 1848, in which he advocated the utility of symbols in connexion with osteology as instrumental for the compression of facts, while clearly exhibiting certain anatomical relations. The close connexion between biological and social science suggests the possibility of employing symbols also in the latter department of knowledge. A specific advantage attends such an application, for the questions of social science are necessarily more or less connected with our feelings and interests, and we should therefore gladly avail of any circumstance that would allow us to eliminate from such discussions everything likely to excite such feelings. Statistical results, when fairly obtained, were thus not only valuable in themselves but were also most likely to impress the minds of those against whose preconceived notions they might happen to militate. The more closely social problems approach those of exact science the more likely are we to attain the truth. One of the questions most debated in this Department may furnish an illustration. I refer to the interference of the State with education. If we designate by the capital letters A, B, C, D, &c., the number of individuals belonging to the various religious denominations composing the population of a country; by a, b, c, d, m, the number of persons belonging to the various educational denominations, and by u, v, w, x, &c., the number of persons belonging to the religious denominations, A, B, C, &c., who believe that a mixed or united system of education is most advisable, then it follows that $A - u = a$,

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B—$v=b$, C—$w=c$, D—$x=d$, &c., and $u+v+w+x,+$&c.$=m$. Each educational party is clearly defined by these expressions, and the principle of "Freedom of Education"* amounts to saying that $a, b, c, \ldots m$, are all to be treated on equitable terms—all receiving a fair share of the bounty of the State, and the results of education developed in connexion with all of them to be received on the same footing. Another point that may be illustrated by symbols is a fallacy that frequently obscures educational discussions. It is assumed that the nature of education depends not on the teachers or the methods but on the pupils. The distinction between symbols of operation and quantity in mathematics immediately shows the futility of such an assumption. If a number x is operated upon in any way the nature of the operation may be denoted by f, and the result $f(x)$ is classed in accordance with the operation. Thus, in education its denominational or mixed character depends upon the operators, (teachers and books,) and not upon the objects operated upon, (pupils.) This view, although clearly stated, is far from being new. In a correspondence on education between the Cardinal Archbishop of Malines and M. Rogier, the Belgian Prime Minister, both the prelate and the statesman agree in this view of the nature of education. In the Report of the Commissioners of the University of Dublin, several distinguished members of that body have expressed their views as to the Protestant character of the University remaining unaltered as long as the corporate body remains untouched. On this ground the Commissioners appear to have very naturally abstained from recommending any fundamental alteration in an institution so closely connected with the Established Church. Thus, the Commissioners appear to acquiesce in this correct view of the nature of education. On other questions of social science besides education it may be important to detect similar fallacies of confusion between the operating agencies and the things operated upon.

Professor HENNESSY read a paper "On the Removal of Disabilities which affect the Advancement of Learning."

The author pointed out that, in comparison with every other career for the exercise of high intellectual power, the pursuit of learning was still in some measure trammelled by legal disabilities. He showed the injurious operation of such disabilities and advocated the principle of free trade in reference to the emoluments and honours of learning, which was now universally admitted for the Bar and all offices in the public service.

EDUCATION IN BENGAL.

On the reading of the paper by Rakhal Das Haldar, printed at p. 351,

Mr. HODGSON PRATT, late Government Inspector of Schools in Bengal, asked leave to make a few observations. He could inform the Section from experience, that the natives of India, though ready to follow as far as they were

* "On Freedom of Education: an Essay read before the National Association for the Promotion of Social Science at Liverpool." Kelly, Dublin, 1859.

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led, and although sufficiently clever at acquiring a knowledge of literature and science, did not display any marked original ability. Now, it might be asked why so intelligent a race did not produce some men who might exhibit original power, and why all the talents of their ablest men were spent merely in following the track of their European instructors? It was well known that in former times India produced philosophers and mathematicians of very great eminence. Why was the case different in the present day? There were, in his opinion, two reasons for this fact. One was, that the Government did not give these young natives who were educated in the schools and colleges of Bengal sufficient sphere for the exercise of their abilities, or place before them adequate rewards for ambitious talent. Another was, that when these young men had completed their education they returned to old associations. They were brought back under the influence of an effete religion and a decaying civilization, and from this influence they could not wholly emancipate themselves. Seeing this fact, he had suggested that some three or four of the most deserving and talented young men should be sent over yearly to England to complete their education at one of the Universities. It was not so much on account of the increased opportunities for learning that they would have in English universities that he made this suggestion, but because they would obtain that knowledge of the world which was so necessary to young men of talent. They would be brought under the influence of Englishmen of their own age; they would have opportunities of observing English society and seeing the life and manners of the country to which they owed allegiance. In this way they would be fitted for something more than second-class clerkships and inferior offices, and qualify themselves for admission into the higher places of the Civil Service, which it was not only an expensive, but an impolitic rule to confine to Englishmen. The service was at present wholly inadequate to the wants of the country. He hoped to see some of the vacancies in the higher offices opened to young Hindus of talent and education. He believed that Mr. Haldar came to England for the purpose he had stated, and the paper just read was an excellent argument in favour of the views which he (Mr. Pratt) advocated.

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PUNISHMENT AND REFORMATION.

CRIMINAL LAW AND PROCEDURE.

The Progress of Legislation in our Criminal Law. By the RIGHT HON. JAMES WHITESIDE.

NO subject can be more interesting to the jurist or statesman, to the philanthropist or to the Christian, than the "Progress of Legislation in our Criminal Law." My purpose is not so much to speculate or to philosophise as to refer briefly to our ancient Criminal, and chiefly Statute Laws, to state as briefly as possible what has been effected in the way of amendment, and to express a hope that a good work happily begun may be speedily crowned with completion. Large questions are involved in our inquiry,—touching the object of punishment, the probable reformation of criminals, the preservation of order, and the peace of society. In considering any system of law framed in former ages, we ought to make allowance for the temper of the times, for the habits, tastes, customs, and manners of the people. A sketch of our ancient Statute Laws would be, at the same time, a sketch of the social history of the kingdom, and accordingly Barrington's volume on our ancient statutes is highly interesting and eminently instructive. In the words of a learned friend and instructor of mine, Mr. Amos, we have a perfect summary of our ancient criminal law—"The history of the 'Pleas of the Crown' may be said to be written, like the laws of Draco, not with ink but in blood." The penalties for every offence stated in it, with a few insignificant exceptions, are the gibbet, the axe, the flaming stake, or the disembowelling knife. And concerning theft, which Hall informs us was punishable with death if the property stolen exceeded in value twelve pence, he, Sir M. Hale, writes :—"Although many of the schoolmen and canonists are of opinion that death ought not to be inflicted for theft, yet the necessity of the peace and well ordering of the kingdom hath in all ages, and, at most, all countries prevailed against that opinion, and annexed death as the punishment of theft when the offence hath grown very common and been accompanied with enormous circumstances."

If we open the statute book of the reign of Henry VIII. we would be disposed to exclaim, How true the charge that the laws of England

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were written in characters of blood. We find a law levelled at the sturdy beggar which makes us shudder. If caught begging once, being neither aged nor infirm, he was whipped at the cart's tail. If caught a second time, his ear was slit or bored through with a hot iron. If caught a third time, he suffered death as a felon. There is a sensible commentary on this statute in Froude's History of England. From it we perceive that this sanguinary law was in harmony with the ideas of the government then understood, and with the feelings of the people. King Henry drew up with his own hand the statute in which he recites—"Whereas, in all places throughout this realm of England, vagabonds and beggars have of long time increased, and daily do increase in great and excessive numbers by the occasion of idleness, mother and root of all vices, whereby hath insurged and sprung, and daily insurgeth and springeth continual thefts, murders, and other heresies, offences, and great enormities, to the high displeasure of God, the inquietation and damage of the King's people, and to the marvellous disturbance of the common weal of this realm." Here we have the strongly written description of the mischief. Then we have in the history a statement of the feelings of the English people—namely, that a man who could work caught begging was thereby proved to be of no use upon this earth, but to live upon it only to his own hurt and to that of others, and that, therefore, he must suffer death as a felon. "So the law of England," says Froude, "remained for sixty years. First drawn by Henry, it continued unrepealed through the reigns of Edward and Mary. Subsisting, therefore, with the deliberate approval of both the great parties between whom the country was divided. Reconsidered under Elizabeth the same law was again formally passed; and it was, therefore, the expressed conviction of the English nation, that it was better for a man not to live at all than to live a profitless and worthless life."

But the same question arose then as would arise now, if we had a bloody statute in the book, Could it be enforced? The same historian, who has favoured us with a graphic and truthful description of England in the time of the Tudors, subjoins in a note:—"It is to be remembered that the criminal law was checked on one side by the sanctuary system—on the other by the practice and benefit of clergy. Habit was too strong for legislation, and these privileges continued to protect criminals long after they were abolished by statute. There is abundant evidence that the execution of justice was as lax in practice as it was severe in theory." That 72,000 criminals were executed in the reign of Henry VIII. is a legend. This we have already learned, viz., that a law of cruelty cannot be enforced invariably; that laxity and uncertainty in the administration of the criminal law are the practical results of unnecessary severity; that moderation and humanity in our punishments would insure certainty in their application, and might effect, or, at least, admit, the reformation of the criminal. Nevertheless, death continued for centuries to be the short and simple punishment provided by English

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law for a multitude of offences now deemed trifling. In the time of Blackstone there were 160 capital felonies, and this number was afterwards largely augmented. Death was inflicted without discrimination, and without mercy. It was enacted as a matter of course. Edmund Burke thrust his head on one occasion into a Committee-room of the House of Commons, and having asked what the members were doing, was answered, "Almost nothing; we are merely creating a new felony—death without benefit of clergy." A taste for blood, whetted by the law, pervaded even the national amusements. It is true the punishment of death might be considered a mercy, for the prisons frequently presented a scene of horror, and the victims of the law, whose lives were spared, quitted their prison incorrigible in guilt. The executions produced the worst effect upon the public mind. They resembled dramatic exhibitions, and stimulated while they depraved the public taste. The procession to Tyburn of Lord Ferrers lasted two hours and three-quarters. That in honour of Tom Clinch was celebrated by Swift—

> "His waistcoat and stockings and breeches were white,
> His cap had a new cherry ribbon to tye't;
> The maids to the doors and the balconies ran,
> And said, 'Lack-a-day! he's a proper young man.'
> But, as from the windows the ladies he spied,
> Like a beau in the box, he bow'd low on each side."

A learned friend, Mr. Alcock, extracted from Ramsay's *Waterford Chronicle* for 1776 the following account of the execution of a batch of offenders:—"Jan. 17th, 1776. This morning the convicts ordered for execution were carried from Newgate to Tyburn in the following manner:—George Lee, (for robbing Thomas Cudden, Esq., on the highway,) Saunders Alexander, and Lyon Abrahams, *alias* Lipe, (for breaking into the house of William Sandford, baker, in Winchester Street,) in a cart; Richard Baker and John Radcliffe, (for counterfeiting the silver coin of this Kingdom,) on a hurdle; and Robert and Daniel Perreau, (for uttering forged bonds,) in a mourning coach drawn by four horses, and attended by a gentleman and a clergyman. The sheriffs preceded them in their carriages. At the place of execution they all behaved becoming their unhappy fates, and little was said that could be heard owing to the great concourse of people present, both in carriages, on horseback, and on foot, thousands of whom came away without being able to come near. Hearses attended to receive the bodies of the two unfortunate brothers. Lee, the highwayman, was a handsome young fellow, dressed in a crimson suit of clothes, with a gold lace hat, which he pulled off to a young woman in a hackney coach, genteely dressed in white, in Holborn, who immediately burst into tears. We hear that a great lady (the Queen) has settled £100 per annum on the widow of Robert Perreau, during life. Several persons of distinction met at a tavern in St. James's Street, and one of the company went to the Queen's Palace and returned in about two hours. It was supposed that his business was to intercede in the

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names of several persons of high distinction in favour of the Perreaus. Yesterday morning, at the sale of Daniel Perreau's goods, two large plate glasses sold for £185 each. The plate sold for 7*s.* 8*d.* per oz., and the amount of the furniture of the dining-room came to £617."

But the example of the Perreaus had little effect in deterring others from the commission of forgery. In the following year, 1777, Dodd underwent a similar fate at the same place for a like offence. It is mentioned in the evidence of Townsend, the Bow Street officer, before the Police Committee, that about the year 1780, and a few subsequent years, there were never less than twelve culprits executed together after every Old Bailey Sessions; he remembered a sessions of 1783, when Serjeant Adair was Recorder, after which forty convicts were hanged at two executions. The judges had much to answer for. An English Chief Justice, shortly after the last period specified, whose name, in mercy, I omit, in his charge to the grand jury at Hertford, warned them to be careful what bills they found, as it was his intention during the circuit to leave for execution every person convicted of a capital offence. He kept his word, and spared no one; by one of his orders four men and three women were hanged opposite a house in Kent Street, in which they had committed a robbery.

A conclusive authority may be quoted as to the effect produced by these dreadful scenes. Mr. Hurmer, the celebrated jail solicitor, thus speaks in his evidence before the Criminal Law Commissioners:—"In the course of my experience I have found that the punishment of death has no terror on a common thief. I have very often heard thieves express their great dislike of being sent to the House of Correction, or the Hulks, but I never heard one say that he was afraid of being hanged." In 1810, while Sir Samuel Romilly was struggling to get through Parliament a Bill to abolish the punishment of death for stealing house property of the value of forty shillings, he was shocked by the receipt of a letter, acquainting him that in Maidstone three men had been left for execution for slight offences. He hurried to the Secretary of State, who referred to the judge, Heath by name, for his report upon these cases. The views of that learned functionary may be collected from his reply to the Secretary of State, which Sir Samuel Romilly secured, and has, with some severity, preserved and published. The judge insisted on hanging all the convicted men—one, he reported, had stolen plate to the value of £20; the second stole two heifers; the third broke into the cottage of John Orpin, no person being therein, and stole property to the value of five shillings. Not one of them could get a witness to character. A curious principle in the administration of justice, that a man should be hanged because he could not get a good character.

We seldom think of inquiring into the opinions of the class of persons supposed to be affected by these punishments. We are copious in our comments on the views of the Government towards

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them, but we rarely think of inquiring into their opinions concerning their rulers and their laws. Sir Samuel Romilly records a singularly interesting conversation he had with Mrs. Fry on the bad effects of capital punishment for slight offences, and the opinions of those oppressed by cruel laws. "She told me," says Romilly, "that there prevails among the prisoners a very strong and general sense of the injustice of punishing mere thefts and forgeries in the same manner as murders; that it is frequently said by them that the crimes of which they are guilty are nothing, when compared with the crimes of Government towards themselves; that they have only been thieves, but that their governors are murderers. There is an opinion, too, very prevalent among them, that those who suffer under such unjust and cruel sentences are sure of their salvation; their sufferings they have had in this life, and they will be rewarded in that which is to come. All the crimes which they have committed, they say, are more than expiated by the cruel wrongs which they are made to endure. She spoke of the docility she had found and the gratitude she had experienced in the female prisoners, though they were the most profligate and abandoned of their sex. Kind treatment and regulations, though of restraint, yet obviously framed for their benefit, seem to have been alike new to them, and to have called forth, even in the most depraved, grateful and generous feelings." How fully this noble sentiment has been realized since.

Two causes now operated to change the bloody character of our laws, and to reform our prison discipline and our system of secondary punishment—trial by jury and the writings of eminent jurists expounding the true theory of punishment. Juries refused to convict when death followed from their verdict. Reason and humanity were invoked, and not in vain, by philosophical and benevolent men, while they expounded the duty of Government, and the true theory of punishment.

The time for debate in the senate had now arrived, and Romilly first, and afterwards Mackintosh and Peel, prosecuted a glorious task with energy and success. We never should forget what we owe to Romilly. To record here his labours for the amendment and amelioration of the criminal law would be needless. He was encountered by prejudice, by ignorance, by legal craft, and by judicial resentment. Defeat only inspired his labours—his opponents were out-argued while he was out-voted. But truth, says Milton, is strong, next to the Almighty; and as his adversaries were compelled to reason, Romilly triumphed. Nor let us think lightly of his first efforts. It may make us start with horror to think of hanging a youth for picking pockets, but not so thought many of Romilly's hearers. Sir James Scarlett advised him to attempt at once the reform of all statutes which punish with death mere thefts, unaccompanied by any act of violence, irrespective of the nature of the article stolen. But Romilly feared to shock the nerves of his auditors by proposing what would have been far more

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agreeable to his nature. Therefore he mildly at first proposed not to hang for picking a pocket. Thus the 48 Geo. III. c. 129, became law, asserting a principle of inestimable value in future discussions.

In February, 1810, Romilly ventured cautiously to introduce three Bills to repeal Acts of William III., Queen Anne, and George II., which punished with death the crimes of stealing privately in a shop goods of the value of 5*s*., and of stealing to the amount of 40*s*. in dwelling-houses, or on board vessels in navigable rivers. Now he was menaced with a strong official opposition, and it was fulfilled, but Romilly gained an immense accession of support by the publication of his speech under the title of "Observations on the Criminal Law as it relates to Capital Punishments, and the Mode in which it is Administered." The only one of these Bills he could then carry was that relating to privately stealing in a shop to the amount of 5*s*. He was defeated by a majority of two on the Bill to take away the punishment of death for stealing to the value of 40*s*. in a dwelling-house. It ought to be recorded that the Bill which did pass the Commons was defeated in the Lords, the Chief Justice saying in the House of Peers, with some truth, "There was no knowing where this was to stop; that he supposed the next thing proposed would be, to repeal the law which punished with death the stealing to the amount of 5*s*. in a dwelling-house, no person being therein." In 1812, Romilly introduced Bills to take away the penalty of death from various sentences, and after an interesting discussion succeeded in all. Of these, two were squeezed through the Lords—two again defeated. In what I have stated we have the history of Romilly's success in amending our barbarous common law. He prepared his measures, he reasoned, discussed, succeeded in one House of Parliament, failed in another, again renewed his efforts, again defeated in argument his opponents, and finally prevailed.

We must remember that Mr. Peel, when Irish Secretary, backed Romilly in his humane efforts for abolishing the punishment of death for shoplifting, and undertook, if Romilly succeeded as to England, to introduce measures to abolish the Irish Acts of Queen Anne and George III., to the same effect. Mr. Peel had the honour also of abolishing the Irish Act inflicting death for stealing to the value of five shillings from the person. The principles maintained, and the ideas published in the discussion commenced by Romilly, and supported by Brougham, Mackintosh, and Peel, made rapid progress. Doctor Lushington obtained a Committee of the House of Commons which reported in 1822, and founded upon the report of that Committee were the consolidating Acts carried by Sir Robert Peel, in 1827, measures in amendment of our criminal statute law which have, independent of all other questions, secured his fame. Those measures were, by a separate set of statutes, nearly all extended to Ireland, thus incumbering the statute book with two sets of statutes for an united empire, and still preserving many important differences between the two kingdoms.

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When Peel began to consolidate statutes he soon perceived that the Legislature would be ridiculed if he re-enacted absurdities, which appeared more striking when grouped together, and therefore he abolished antiquated follies, such as the benefit of clergy, petty treason, grand or petty larceny. Soon afterwards a question arose which has not ceased to occupy the attention of all interested in the amendment of the criminal law—namely, the codification of the common law and statute law of crimes. It was asked with force, Are we to have two consolidations, one of statute law and one of common law, each being intimately connected with the other? It was insisted that the definition of crimes, the nature of punishments, and the forms of criminal procedure, originated for the most part in the principles of the ancient common law, but that most of the unwritten rules touching crimes had been modified by statutes which assumed the common law terms and definitions, as if their import were familiar to the community. Those who thus reasoned, and, amongst others, the present Lord Chancellor and Lord Chief Justice of England, when in the House of Commons, contended against the mere consolidation of the statute law, and in favour of the codification of the criminal laws. This idea was for a time adopted, and accordingly the Common Law Commissioners were directed to report how far it might be expedient to combine consolidations of common law and statute law into one body of criminal law. After their first report they were directed by the Secretary of State to proceed in forming a digest of the criminal law, as well written as unwritten, into one statute. It speedily appeared that there were many anomalies, both in the statute and common law of crimes and punishments, which could neither be re-enacted as statute law or embodied in a code. The Commissioners were next directed to consider what partial alterations might be necessary or expedient for more simply and completely defining crimes and punishments, and for the more effectual administration of criminal justice. This direction afforded a power of suggesting alterations and amendments. Accordingly, the enlightened men who formed the Commission, with one of whom I had the good fortune to study, proposed, without waiting for the code, Bills which the Legislature adopted for the removal of penalties and disabilities on the ground of conscientious belief, for the allowance to prisoners of full defence by counsel, for the substitution of secondary punishment for that of death in many cases, for the speedier trial and punishment of juvenile offenders, for the removal of the incompetency of witnesses, for the abolition of deodands, for the allowance of a reasonable interval between sentence and execution after a conviction of murder; all great amendments in our criminal law redounding to the honour of the Commissioners, who recommended, and to the credit of the Parliament which sanctioned them.

Meanwhile the battle of codification against consolidation was fought out manfully. Lord St. Leonards attempted the nobler scheme, and in 1853 his large measure for the consolidation and amendment of the criminal law in various matters being actually prepared,

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was submitted to the judges for their consideration. The judges seemed to be, if not angry, alarmed, and returned unfavourable answers—they preferred the flexibility of the common law to the stiffness of a code. Thus, at that period, the projected code of the criminal law failed. Subsequently Lord Cranworth appointed Commissioners for consolidating the Statute Book, who were to employ draftsmen and to suggest amendments, and, above all, consolidations of the statute law. They met—considered—discussed—reported several times, and produced Bills which did not pass into law. Touching the matter immediately on hand, these late Commissioners considered anxiously the practicability of forming one set of statutes consolidating the entire criminal law of England and Ireland. The opinions pronounced on this scheme were various and conflicting—sometimes the Commissioners inclined to one view, sometimes to another different view. The Commissioners who were opposed to the plan of consolidation for the two kingdoms into a single set of statutes, were embarrassed by the distinction which existed in the criminal statute law between the two countries. For example, conspiracy to murder was capital in Ireland, whereas it was only a misdemeanor at common law in England. Other differences likewise existed. The Commissioners not having made up their minds nor solved their doubts, the House of Commons stopped the supplies, and the Statute Law Commission ceased to exist.

Under these circumstances it became the duty of those who happened to be law officers in the two countries, under the direction of the Government of the day, to consider what was to be done. Required by the Cabinet to give our opinions and our reasons in writing, Mr. Napier, (then Chancellor,) Mr. Justice Hayes, and myself, drew up our recommendations, with our reasons for thinking there should be one set of statutes for the two kingdoms, which had been previously insisted upon by Mr. Napier; that all material differences should be abolished; that the punishment of death should be repealed as to all crimes, save those of murder and treason; that forfeiture of goods and confiscation of lands should cease to prevail; that there should be a more natural classification of crimes; that there should be a General Punishment Bill and a General Procedure Bill for the two countries. Almost the whole of these suggestions were sanctioned by the Government of the day, and Bills were prepared in Ireland to carry them into execution. The number of instances in which we found capital punishment could be inflicted had been reduced to about twelve; we suggested they should be now reduced to two, and secondary punishment substituted for that of death.

Before these measures could be brought forward on the authority of the Government which approved of them, that Government had ceased to exist, and consequently, when introduced in June, 1859, they were proposed by myself as an individual member of Parliament. Nothing could be fairer than the reception given to those Bills by Lord Westbury and his colleague, the present Attorney-

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General; but they naturally asked, Was this a work of consolidation or of amendment? If the latter, upon whose authority were the changes proposed to be adopted? Both these high authorities expressed themselves favourable to the establishment of a department of justice, to which the whole subject of preparing the amendment of our laws should be intrusted. Both undertook that the particular Bills would be fully and carefully considered, and they kept their word.

During the late Session, the present Government brought in a set of Bills to amend and consolidate the criminal statute law of England and Ireland, adopting the system of progressive legislation. They were referred to a Select Committee, by whom were considered also the Bills previously introduced by myself. The Committee, of which I was an humble member, performed their task ably and impartially, and having submitted the Bills amended to the House, and the Legislature having adopted them, it now only remains to state what we have gained and what remains to be accomplished.

First—We have gained the admission that the criminal statute law of the two countries should be assimilated. Secondly—That the same law should be ameliorated and amended with reference to capital punishment. Thirdly—That the law of conspiracy and murder should be placed upon the same footing in both kingdoms. Fourthly—That the criminal law of England and Ireland should be passed in one set of statutes instead of two, without regard to commissions or departments of justice—thus effecting a work of assimilation, amelioration, and consolidation. Each of these principles had met with the warm approval of Mr. Walpole, when Secretary for the Home Department.

Amongst other improvements we have lost a Punishment Bill and a Procedure Bill: the loss of the first chiefly, it may be said, led to endless repetitions. The second, a Procedure Bill, was of more importance. A principal object of the classification of offences regards procedure. Felony signified an offence to which the punishment of forfeiture was attached. This was Blackstone's criterion. By Hale felony is often spoken of as synonymous with a capital offence. Now, the distinction between felonies and misdemeanors might have been sensible, as nearly all felonies were capital, and, therefore, separated broadly from misdemeanors; but the chief distinctions between treasons, felonies, and misdemeanors have, since Hale wrote, been swept away. Many modern misdemeanors are more serious than ancient felonies. It is obvious, therefore, that a new classification of offences, through the medium of a general Procedure Bill, is imperatively required. But we objected to the very criterion of felony itself—namely, forfeiture of goods—as in treason, to confiscation of lands—and our proposition in the 7th section of our Procedure Bill was as follows: "Every person who shall be convicted of any offence, shall be punished in the manner prescribed by the statute or law relating thereto; but shall not by reason, or in consequence of, or as an incident to such an offence or his conviction

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thereof, be subjected to any corruption of blood, or to any forfeiture of lands or goods." This proposition has not been adopted, but it may be hereafter. I may state what convinced my mind on the subject, and invite the opinion of others more competent to its consideration.

I do not think the doctrine of confiscation, as a penal law, can be justified. There is a distinction between the confiscation of lands and of goods and chattels—the latter accrues upon conviction, the former only upon attainder—but there is no attainder till the judgment of death, or attainder given; therefore it was that Jackson swallowed poison in the dock before judgment, in order to avoid his attainder, and so preserve his property to his family. The argument which convinced me that confiscation should be eradicated from the criminal code of England is contained in the words of Mr. Amos, one of the Commissioners for the Amendment of the Criminal Law, and in the celebrated argument of Romilly, which he quotes:—"Among the principal objections to confiscation may be reckoned that the penalty is, in many cases, excessive, and disproportioned to the nature and extent of offences; that it is unequal in its application to different offenders, being graduated, not according to the gravity of an offence, but the magnitude and description of the offender's estate; that it usually involves the misery and utter ruin of the innocent families of offenders." Livingstone, Dumont, and Bentham have written cogently against forfeitures, but nowhere, perhaps, are they more eloquently reprobated than in the following extract from a speech of Sir J. Romilly. He says:—"All confiscation, forming part of a sentence by which death is inflicted, are founded, in my opinion, upon the greatest injustice. To confiscate the property of the criminal whose life is left untouched is to take from him the means by which the enjoyments and comforts of life are supplied; but if the law deprives him of life also, the forfeiture can only affect those whom he leaves behind him. Upon them alone the punishment falls; and, if the offender be at all affected by it, it is only as he may feel and be afflicted for them. Almost all punishments extend beyond the criminal against whom they are directed. The greatest criminals have often deserving relatives and connexions, who sympathize in their sufferings, and who, though perfectly innocent, thus endure a part of the punishment; but this arises from the necessary imperfection of all human institutions. In the law, however, of forfeiture this, which is an unavoidable evil, but which all wise legislatures would, if it were possible, avoid, is the very principle upon which the law proceeds. The indirect punishment is inflicted on the innocent, and it is by sympathy alone that the guilty is affected, if he be at all affected by it. To the most obdurate and hardened it is no punishment at all. To the less criminal—to those whose minds are not callous to all sense of virtue and of humanity—if to any, it can operate as a punishment. You choose for the instrument of your moral tortures the best feelings of the human heart, and aggravate and enhance your punishment in proportion as the subject of it is less an object of detestation." And M. de Tourreil, a French lawyer,

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who lived under Louis XIV., and who was greatly distinguished as a man of letters, as well as a lawyer, in a defence of forfeiture says, "Il faut percer le cœur du père dans le sein du fils." A more horrible sentiment can hardly be imagined, and yet this is, without disguise, the law of forfeiture. The voice of Romilly can be heard no more, but his ideas still operate in the minds of men, proving the truth of Bacon's beautiful remark—"That the images of men's wit and knowledge remain in books exempted from the wrong of time and capable of perpetual renovation. Nor are they fitly to be called images, because they generate still, and cast their seeds in the minds of others, causing infinite actions and opinions in succeeding ages."

What we are, I should hope, certain, under the present Lord Chancellor, of obtaining, will be the complete assimilation of the Criminal Statute Law of England and Ireland—a complete consolidation with some amendment. We may hope next to obtain the consolidation of the Mercantile Statute Law, and of the Real Property Statute Law of England and Ireland; but I confess my hopes are slender as to the accomplishment of the idea of codification. Whether the plan sketched by our President for the appointment of a Minister of Justice, or the constitution of a Department of Justice, will be adopted by the Legislature, it is not for me to speculate. Whether the heads of the profession of the law in each country can undertake or accomplish what the projected Minister of Justice might effect, it is not for me to suggest.

Lord Brougham has recently published an essay on the British Constitution. In that volume there is a chapter entitled "Promulgation of the Law," in which the duty of the Government with regard to the administration of justice is expounded. It is insisted that every Government is bound to digest the whole of the law into a code which its subjects may have access to, for the purpose of learning by what rules their conduct is to be governed. We have then this statement—"The lawyers, and especially the judges, are very rarely friends of a code. They dislike, perhaps, the rendering too easy the access to their own peculiar learning—the limiting and fixing their discretion, which follows from reducing the law to a digested body or system. Their habits make them averse to all change in the system which they have learned with much labour and administered for a long time—they dislike going, as it were, again to school. Thus the wise and just project of digesting and arranging the whole body of the law in any country is pretty sure to meet with stout opposition from those who have grown grey under the former system—less clear, more vague, little defined, and resting, in a greater or less degree, upon the opinions not always unanimous, never without some fluctuation, of the judges. But it is the duty of every Government to overlook, if it cannot overcome, this resistance, and to frame a clear and intelligible code of the laws, whatever may be the system upon which those laws are constructed." In a subsequent passage the noble writer, referring to the Criminal Law Codification Bill submitted to the Lords, observes—"After much delay and full dis-

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cussion, it appears that England is at length to obtain this inestimable blessing"—adding, "It certainly must be followed by a code of criminal procedure and by a civil code."

These bold anticipations have not been realized; and I fear even the codification of the body of the criminal law into one code is not within our grasp. But of this we may be certain, that what Sir M. Hale wrote, in his tract on the amendment of the law, contains a truth which enlightened statesmen must admit and enforce. "He who thinks that a State can be steered by the same laws in every turn, as it was 200 or 300 years since, may as well imagine that the clothes that fitted him when he was a child should serve him when he was grown up as a man. The matter changeth, the custom, the contracts, the commerce. The disposition, education, and tempers of men and societies change in a long tract of time, and so must their laws in some measure be changed, or they will not be useful for their state and condition: and besides all this, time is the wisest thing under Heaven."

Punishment: its Effect as an Example—the Sentence of a Judge should follow the Verdict of "Guilty" immediately. By CHARLES H. FOOT, *Barrister-at-Law.*

ALTHOUGH at no period has the reformatory element of punishment engaged so much attention, and with so much success, as at present, still, there is another element in the infliction of punishment, which, once too highly estimated, now, in my opinion, is either overlooked or undervalued; I allude to the effect of the punishment of the misdoer as an example to the other members of the community.

The currents both of philanthropy and legislation have of late years been directed, and with great success, to the extirpation of the taste for, and the habit of, crime in the young offender. Simultaneously with the existence of these objects in the minds of legislators and judges, a most extraordinary and, I am happy to add, a steadily increasing diminution of crime has taken place in Ireland: consequently, the judges of assize have now much more time and opportunity than formerly to weigh each individual case, to examine the Informations carefully, and to calmly and deliberately determine what punishment they should inflict upon each criminal.

But great as are the advantages flowing naturally from an improved state of society, and from more advanced views of the nature and classification of crimes, I fear that there is a tendency, at the present day, to overlook entirely the immense effect of the sentence of the judge when it follows speedily upon the verdict of "guilty," in the hearing of those who have listened to the whole trial. The very circumstances which I have before mentioned, viz., the small number of criminals awaiting their trial at each assizes, and the desire to discriminate fairly what aggravating or extenuating cir-

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cumstances there may be in each case, lead many of the judges in this country to postpone the announcement of their sentences to the guilty, sometimes to the close of all the criminal business, frequently to the conclusion of both the civil and criminal proceedings, when none of those who heard the trials are present.

There is another cause for the present reaction, namely, the horror with which every man looks back upon the time, scarce twenty-five years distant, when criminals condemned to die were executed in forty-eight hours after sentence. There is now a reaction from *all* the practices of the criminal courts of those barbarous times, and I cannot help thinking that, in many minds, the rapid sequence of the sentence upon the verdict has been blended, or confounded with the former speedy succession of the capital sentence and its execution. Be the causes of the present reaction what they may, I would, however, humbly suggest to the learned judges who now so ably occupy the Bench in this country, to consider how different are the effects of a criminal trial upon the audience when the sentence follows the verdict, or is pronounced even upon the day of the trial, from those where it is postponed to the close of the assizes.

By far the most numerous offences in Ireland come under the designation "of offences against the person;" in no country in the world are the peasantry more alive to the subtleties of the law, or more keen in detecting a flaw in evidence; consequently upon the occurrence of any assault, riot, or faction-fight, in addition to the "rights of the parties concerned," their guilt, or innocence, "how the case will go before the judge" is discussed for weeks (it may be) by every-one acquainted with the actors, or residing within miles of the scene of the outrage. Upon the day when the party charged with the alleged offence is to be put upon his trial, the court-house is crowded with an eager and excited audience, consisting of every relative of the prisoner, his neighbours, and many members of his party, if the offence charged be faction-fighting,—a practice which has begun to revive, although supposed to be extinct. The remainder of the audience feel almost as deep an interest in the case as those I have mentioned, for all proceedings in a court of justice are interesting to the lower orders in this country, but those in a criminal court doubly so.

When the prisoner is arraigned, his demeanour and that of the witnesses both for the prosecution and for the defence are eagerly scanned and shrewdly criticised; faint murmurs are heard, of relief from intens eanxiety when a hesitating witness has given an answer favourable to the prisoner, or of horror, when some witness for the Crown, on cross-examination, acknowledges his intimacy with the prisoner, and perhaps his betrayal of him, or confesses that he himself has been guilty of more heinous crimes than those laid to the charge of the prisoner: consequently, the excitement of the audience is excessive when the judge commences to balance the evidence for the assistance of the jury.

Now, the audience have been listening to the evidence with the

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greatest attention, many of them, in some cases, thoroughly aware of the guilt of the prisoner; therefore, if a verdict of "guilty" be returned by the jury, all await the sentence of the judge with the keenest anxiety from different reasons: the elder portion of the audience, who, perhaps, have heard many men tried for the offence of which the prisoner has been convicted, are desirous to learn what sentence "this judge" will pronounce; the younger portion of the audience, who, with outstretched necks and straining eyeballs, have fringed the galleries of the court-house from the moment that the doors were opened, are filled with curiosity to know what is the punishment inflicted for doing what they have heard brought home to the prisoner. Any sentence, even a far lighter one than may ultimately be imposed, pronounced before an audience thus excited, must have an immense effect, more especially upon the young and unhardened.

But when the judge reserves the sentence, and orders the prisoner "to be put back," the whole benefit of the trial as a warning to the audience is lost, and the lesson which might have been thus given to many a spectator is untaught. When the sentence is pronounced at once, or as soon as any peculiar facts, unelicited at the trial, have been learnt from the Crown solicitor, the audience then have before them, the commission of the crime, (perhaps its motive,) the suspicion of the guilty party, his arrest, (it may be after the lapse of a considerable time,) his trial, open and fair, with everything advanced in his behalf that could be urged, the evidence balanced impartially for the jury by the judge, the verdict of twelve unprejudiced men, and, last of all, the announcement by the judge of what punishment the prisoner must undergo as the penalty of his crime. This sequence cannot fail to impress every spectator, more especially the young, who have the whole drama of crime thus presented to them in its integrity; and they must feel deeply on such an occasion any comments made by the judge on the circumstances or character of the offence. But when before an attentive and excited audience the curtain falls at the return of the verdict by the jury, the moral of the whole scene is omitted. "*Mens humana magis afficitur affirmativis quam negativis,*" said that shrewd observer of mankind, Lord Bacon; and the truth of his induction will be manifest if we reflect on what our own impressions would be if we witnessed the trial, and heard the sentence; and how very different they would be if, when our interest and excitement were at the highest pitch, the prisoner was ordered to stand by, and some days afterwards, when other matters had almost obliterated the scene from our recollection, we were to read in the daily journals: "Ruling the books, this morning his lordship sentenced John Ryan to six months' imprisonment with hard labour, for a grievous assault on Patrick Dwyer." Now, I am quite confident that those of Her Majesty's judges who defer the passing of sentence do so from a serious anxiety, by a perusal of the informations, to inflict such sentences as the circumstances of aggravation or extenuation demand. This mode of procedure appears at first sight

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unavoidable—nay, imperative—in the case of prisoners who have pleaded "guilty." But still that plea is often not determined upon until just before the prisoner is arraigned, and there are just as many eager to know his sentence as if he had been tried to a conviction: and I cannot help thinking that an immediate perusal of the informations, with the assistance of the Crown solicitor, would enable the judges in a very short time to estimate the real guilt of the prisoner, and to pronounce sentence upon him according to his desert, upon the days of criminal business when the court is crowded. These observations are dictated by no censorious spirit, but are the result of a very few years' circuit experience; and should they be indorsed with the approbation of this Department, they may acquire some weight, and ultimately be productive of advantage in checking crime by the effect of punishment as an example.

On assimilating the Systems of Punishment, as applied to various Ages of Criminals. By T. B. L. Baker.

What is the object of punishment? Whatever reply might have been made some years ago, I need not now fear to be answered, "To vindicate the injured majesty of the law;" or "To compel a criminal to expiate his offences by a proportionate quantum of pain;" or "To carry out the *lex talionis*, satisfying A. by hurting B. just as much as B. has hurt A." None will assert that these are now our objects. But if these be not, what are they, or why do we punish?

Our chief objects must be reformation and deterrence, and the making such an impression on the minds of others as shall check their following the criminal's example.

Some most earnest philanthropists, indeed, doubt the justice of the latter principle, and would deal with each offender on his own merits with a view to reformation solely. I cannot agree with them. So long as we are taught to pray "Lead us not into temptation," it must be our duty to endeavour to lessen temptation to others; and the knowledge that punishment follows crime does unquestionably counteract temptation. But I fully allow that punishment is only right so far as it is found to deter, and that we should prefer that punishment which combines most deterrence with least pain.

To know how to deter a man from crime it is necessary that we should know somewhat of his tastes and feelings, or at any rate those of his class.

How are our sentences usually regulated with the view to deter others? A judge, chairman, or magistrate forms his opinion of the offence from the evidence in the case before him, and, with the nicety of a superior mind, balances the several points which indicate the turpitude of the crime. On the one hand, the offender had for a long time withstood temptation; property had been unnecessarily left in his way; he and his family were suffering greatly from poverty.

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But on the other hand, the things were stolen from a master who had been kind to him, &c. Weighing all these points, the judge decides on an amount of punishment exactly proportionate to the crime. This is the perfection of the *lex talionis*, but is it calculated to deter?

Who are the class whom we seek to deter from crime? Surely the poor, the weak, the uneducated; and it is on their opinions that we must make our impression. We consider it essential to select one who is to have the power of passing sentences from the most refined and deep-thinking men. Yet in the exact degree in which the decisions of such a man differ from the opinions of the poor and uneducated do they cease to be intelligible to that class on whom it is our object to act. A carefully considered sentence may indeed excite the approbation of the Bar, the bench of magistrates, or of the intelligent classes; but these are not the people on whom we require to make an impression. The weak in mind, the thoughtless, make up full three-quarters of our criminal class. They practically cannot guess at the deeply-sought arguments which govern the judge. They look on the severity of the sentence as a matter of chance, and they always hope to have the good luck of a light one; consequently, the impression made on those whom we seek to deter is less than the pain inflicted on the offender—the exact contrary of our object.

But if our system be not perfect in its deterrent effect, is it better calculated to reform? A prisoner is brought before a judge who knows nothing of his past history, nothing of his physical or mental constitution, and is sentenced to a length of imprisonment exactly calculated to balance the turpitude of the offence, not the probable chances of his reformation. He is then placed in a cell carefully ventilated, and kept at a certain temperature. Clean and airy as it is, the solitude is most irksome, (to many, but by no means to all,) and would probably affect the spirits of some so as to injure their health. Therefore an expensive diet must be given to all (not to some) to keep up the animal vigour which the solitude may have lowered. Little hard work can be done in a prison, therefore the hands and muscles become weak. The mind, too, becomes considerably softened and enervated. This latter is by no means a bad thing at the beginning of the punishment. It allows the exhortations of the chaplain to make their full impression, and often induces or helps a real sorrow, which, if well guided, may lead to a lasting repentance. But if it be a good thing at beginning a punishment, it is the worst possible preparation for commencing the hard battle of the external world.

Having, then, endured a certain amount of softening and weakening, on some certain day—fine, wet, or frosty, as may happen—he is taken from his cell, his warm clothes are taken off, his old ones are put on, he is charged to go to work immediately and live honestly henceforth, and he finds himself weak and rather giddy in July clothes and December frosts in a strange town, with one shilling and sixpence

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in his pocket. He perhaps has learned a very small amount of tailoring, or shoemaking, or mat-making, or oakum-picking in jail, but where can he find a master who will employ him at these trades? If he has ever learned hard agricultural work he is too weak for it now.

But let us look to yet one other point. To whom do you confide this most difficult task of sentencing? To county magistrates, among whom some are chairmen of quarter sessions, to police magistrates, and to the judges. Now, with all high respect for each class, let us consider their fitness for the task in hand. To begin with the last. I have known, more or less intimately, several English judges, and I confess my impression is that though there are exceptions such as will be found in all large bodies, yet that, on an average, so highly talented, so honourable and upright a set of men is not to be found in any part of the world. But has their previous life been such as to give them a chance to know or appreciate the feelings of the class to be deterred? or have they had any chance of watching closely the effect which a certain discipline usually has in reforming a prisoner? Can a judge learn the different systems of all the prisons to which he sentences, or know the effect which such treatment generally produces?

It is curious how our principles and our practice contradict each other. We are taught by Blackstone and others that the English code cares little for mere law of damages or money matters, but is jealous and scrupulous where the person is concerned. At the assizes the judge who takes the civil side accordingly appears in plain black gown, but he who has the far more important task of dealing with the liberty or life of the subject appears in the full majesty of scarlet and ermine. But to which court do the leaders of the Bar flock? Alas! is it not that, except in some case of peculiar interest, say, out of the 11,875 tried last year at assizes and quarter sessions, 118 will have lawyers of eminence engaged, the rest will be left to the juniors, who, as they rise at the bar, will leave the criminal for the civil side?—the cases where the mere liberties of person (or perhaps life or death) are to be decided for those affecting the more vital interests of the purse? What proportion of the judges are elevated to that high dignity on account of their practice in the criminal cases in comparison with those who have distinguished themselves in civil courts?

Can we say that the generality of the judges have ever had an opportunity of studying the feelings or habits of that class whom we seek to deter or to reform? I fear not; and though I allow that they are, as I said, the most talented and most high-minded body to be found, yet I must doubt if they be the fittest to reform or deter the class with whom we specially seek to deal.

The police magistrates, though doubtless not equal in talent, as a body, to the judges, have more opportunity of studying the particular classes to be dealt with, and the effect which imprisonment produces on those classes, yet, with their constant and laborious work in their

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own courts, it is doubtful whether they can study closely the jails, (the management of which is vested in other hands,) or the effects which the discipline produces on the prisoner.

The county magistrates have far more chance of knowing this. Most of them are in the habit of daily mixing with the labouring classes, and learning their ideas and motives; many of them are jail visitors, and know the discipline to which they sentence, and can see the effect it produces while the imprisonment continues; but alas! our system nearly precludes the knowledge of the ultimate effect—as it is not only no part of our duty, but it is usually considered to be contrary to our duty, to trace the discharged prisoner and know his future life.

But our work is not that of finding fault. Fault enough is easy to be found in all human institutions. The question is—Can we do better? I think we may. I by no means attempt to suggest a faultless plan—the question is whether it is better than the present one; and most thankful will we be to any who will make the best improvement on the plan proposed.

I would suggest that the length of detention should be governed less by the difficult calculation as to the precise degree of turpitude of the particular offence, than by whether it is a first or a second offence after warning. A first offence is usually a crime of impulse—a weak unstable man, who has never before actually realized to himself the fact of his own fallibility, finds himself in some sudden temptation he has never contemplated. He falls a victim to his own weakness and thoughtlessness.

He deserves punishment, but he by no means deserves the same amount of punishment as if he had gone into it with his eyes open, as he would do on a second conviction. A short and sharp punishment—ten days' imprisonment according to the present general rule in England—which for that term allows mere bread and water, would, as I believe, send a man forth with a most wholesome impression that jail was a very unpleasant place. A bird caged for a few days is miserable, but if he lives out three months he becomes satisfied, and if he then escape may hereafter in the frost wish himself back in his warm and well-supplied cage. If a prisoner leaves jail at the end of ten days his horror of it is unmitigated. He will spread amongst his own friends, the very set on whom we seek to act, a strongly deterrent account of the prison; and as the ten days will cost at the present average 15*s*., the effect will be produced at little expense to the country.

But if, having committed what may be rather called a piece of most culpable thoughtlessness than "a regular crime," he again be tempted and fall, he not only deserves more severe punishment, but the public safety requires it. He ought to undergo a longer detention, but he ought not, both for his own sake and that of the public, to return to freedom till he can do so with a fair hope of safety for the future. How can this be arrived at? It is not difficult. If the judge (or chairman) will sentence him to two years' imprisonment the

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first point of deterrence will be gained. A man who has once been convicted, however thoughtless he may be, will know perfectly that, on the second offence, his sentence will be a long one; and length deters more than severity. Now I honestly say that, except in very rare cases, I would never have a man kept two years in cell. But it would be by no means difficult to establish a second grade of prison closely analogous to our reformatories to which, by the permission of the Secretary of State, and under the care of their inspectors, prisoners might be removed, for so long only as they behave well, from the jails, and set to hard bodily out-door labour, and from thence be allowed to go on license to places of work to support themselves as long as they continued worthy of such trust.

Such an idea will appear to many wild and chimerical; yet I trust it is both easy and near at hand. You may ask, Where are these reformatories for adults to be found? I answer simply, Our juvenile reformatories are fast emptying in consequence of the extraordinary decrease of juvenile crime, the industrial schools will now take nearly all the boys at a cheaper rate, and our reformatories may take men. If this be done, does not a system preferable to the present one appear to be within our reach? It would work thus:—A prisoner whose history and character was known to be tolerable would, if he pleased, claim a summary trial, and receive a most irksome but short imprisonment. If he be a stranger to the country and like to say where he has lived previously, inquiries are easily made through the police, which might induce the magistrate in petty sessions to grant a summary trial. If he cannot show any proof of previous honest report, he would be committed to quarter sessions or assizes. Of course a man known to have been previously convicted would be also committed for trial. Here, if found guilty, he would probably be sentenced to two years' imprisonment, with a hope that if he behaved well he would be removed to a reformatory, (by whatever name it might be convenient to call it,) and after another period of good behaviour be licensed to earn his own living under the surveillance of the police, with a liability of his being returned to the reformatory or prison on any misbehaviour before the termination of his sentence.

On a third offence he would probably receive a long sentence of penal servitude, the latter portion of it to be spent on license under surveillance. What, then, would be the probable effect of such a system? At first sight you will say, that it would not deter first offenders. Yet I believe that even here it would not be found wanting. Ten days' bread and water do not permanently weaken a man, but they are most unpleasant for the time; and if every man who goes to jail tell all his friends how unpleasant he has found it, your principle of deterrence has more weight than under the present system.

But deterrence acts far more strongly after than before the first conviction. It hardly occurs to a weak and thoughtless man that he can subject himself to punishment, but when he has once suffered a

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most unpleasant ten days' imprisonment, he will greatly dislike the idea of a possible two years of the same. Still, some will fall a second time, though fewer than at present. But a sentence of two years will stop anything like a habit of crime. This sentence, it is true, will rarely if ever be carried out in a separate cell. Possibly, even after three months' imprisonment, he may be removed to a reformatory, and after three or four months of labour he may be let go on license to a place of work to support himself, during seventeen or eighteen months of surveillance.

Now, this very working under surveillance I hold to be the most valuable part of the proposed system. Some object that it takes away from a man's freedom. It does so. A man who breaks the law must have his freedom interfered with. It is deterrent, and therefore right. It lasts long and therefore long protects the public from his depredations, and gives his own mind time to recover or reform. Yet this length of time is at no expense to the public, as the occasional inquiries of the police will be at no additional cost.

Surely, the more we can use a long surveillance which costs nothing, and allows a man to support himself and benefit his country, and the less we use a prison which costs much, which does not allow a man to work for himself, but makes the public support him, the better. The more we use a system which gradually prepares a man for honest labour and watches him till he is firmly established in it, and the less we use one which first unfits him for it and then casts him adrift in his weakness to contend helplessly in the hardest struggle of life (for such, surely, is the state of a man turned friendless from the jail door,) the more chance we have of stopping crime.

But some tell us that this cannot be done; that unless a man carefully conceals the fact of his having been in jail he can get no employment. Unless he begins his course of honesty with a lie he cannot prosper. That the public will sanction a thief in getting a place of trust under a false character, but will not allow him to get a place without trust, if the truth be known. But this is not the case. The public are not quite such fools as some imagine. Of course a man who cannot claim to be trusted cannot expect the wages of one known to be worthy of trust, but when under the watch of the police many will employ them, though in lower grades and at lower wages. Some say that the police cannot be trusted—that they will persecute a repentant thief and hunt him back to crime. Of course they will in some cases; it is but their duty to do so. If the police in my neighbourhood find that I have hired a man as my butler who has brought an apparently high character, but whom they know to be an old habitual burglar, can they with honesty do otherwise than inform me of the truth? They would deserve instant dismissal if they did not do so. But if I, knowing all that man's history, have hired him to work on my farm at labourer's wages, the police can tell me no more than I already know.

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But, more than that. I have now for six or seven years been in the habit of sending boys out from my reformatory and putting them under the charge of the police, wherever they go to work.

I have certainly sometimes found a policeman who took the not very unnatural view that his first duty was to clear all bad people, or people who had ever been suspected of ill, out of his district, without caring what became of them; but I must say that, in three cases out of four, I have found the police watch them most carefully but most kindly, and often be far better friends than their own relations: and I say this, not only of those of my own county, who are longer established than most rural police, and who might be, as I believe they are, superior to the lately organized forces; but in nearly all parts of England, with old or newly-established police, I have found the same care and consideration where prisoners are properly put under their charge. This the people of Ireland will believe readily. And if our English police are supposed to be inferior in kindness and good sense to yours, it is only by those who have not tried them, or tried them unfairly.

But there is danger in commencing a new scheme. Has this system ever been tried, and has it answered? Gentlemen of Ireland, I believe that you know well that it has succeeded with one phase of crime, for under it the heavier crimes of your country have been reduced in number by more than one-half in seven years. In England an exactly similar system has been tried on a totally different portion —namely, the juvenile criminals, and there the committals have decreased 42 per cent. in four years.

I only wish to extend the same system, which has worked so admirably in two cases, to all classes of crime, with some increase of that discretionary power to the executive which has formed, and must form, the basis of the improvement. Human nature—whether young or old, rich or poor—is subject to modifications of the same law; and, depend upon it, a system which has produced such an extraordinary diminution of crime amongst Irish convicts and English boys, which will cost less money in the commencement than the present system, and far less as it goes on, and which appeals to common sense and reason, instead of merely time-honoured usage opposed to common sense, will not be long before it be adopted throughout the kingdom.

TREATMENT OF ADULT OFFENDERS.

On Police Supervision. By Baron Holtzendorff.

NOTHING is more striking than the contrast between the criminal laws of ancient and of modern times. Even a hundred years ago the crimes punishable with the temporary loss of liberty formed an exception, when compared to the great mass of crimes, the commis-

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sion of which was attended with the punishment of death; while even in these few cases, where secondary punishment, or temporary imprisonment was inflicted, the criminal was generally held to be a ruined man. His release from prison or his return from banishment was considered with anxious fear and general apprehensions. Participating in those apprehensions, legislation took care to give warning to society by marking the criminal permanently as a living danger. Discharged prisoners were an object of terror; nobody supposed that there was a chance of reclaiming them. Society believed it to be her duty to hold no intercourse with the offender, nor to allow the criminal to mingle with honest people. Thus it happened, that legislation created a criminal class out of the individuals who had been induced to commit an occasional offence under the pressure of temporary circumstances. Hence the branding of criminals on their foreheads or hands in public places. After having undergone a punishment of this kind, it became a necessity of the criminal's existence to war against society and to seek comfort in an organized society of rogues. Under the influence of a better understanding of religious duties and the aims of criminal jurisprudence, such barbarous punishments were abolished. To marked hostility succeeded neglect. Society declared herself satisfied with a certain amount of punishment within the prison walls, careless about what ought to be done for the absorption of criminals into the honest portion of the population.

In recent times, it is understood that a successful administration of penal justice mainly depends on three objects, which we strive to attain:—1st. A well-organized manner of public prosecution, in connexion with a vigilant criminal police, detecting and prosecuting crime to the utmost degree of certainty, by whose activity and zeal re-convictions must be ascertained in each criminal case, in order to award a just apportionment of punishment to habitual offenders. 2nd. A regular system of prison discipline,—due regard being had to keeping up the deterrent character as well as the reformatory treatment. Prison life must appear deterrent to all living in honest liberty, but it must appear a boon to the criminal on his discharge, when he should feel and understand that his punishment was not an act of cruelty or wayward revenge, but of justice and mercy. 3rd. A proper care for discharged prisoners. Experience has evidently shown that imprisonment cannot warrant society against a repetition of crime. If crime were a mere accident, proceeding from individual circumstances or from deficient intellect, a hope might be entertained that prison discipline would eradicate all future propensity to crime. No one, however, doubts that the great mass of crimes against property springs from social and general sources, which after the prisoner's discharge will, although in a lessened degree and with weakened power, re-operate upon him.

There are many other points which must be kept in view. The administration of criminal justice, when in its highest degree of perfection, can only partially work the diminution and suppression

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of crime. It is the merit of this Association to inquire into the social sources of crime and immorality, such as physical destitution, neglected education, or economical defects. All these social circumstances ought to be, and actually are by this assembly, considered as a totality of causes which affect society by a final tendency towards crime.

Besides these general and original sources of crime, a defective state of criminal justice may be regarded not only as a negative aid to crime, but, on the contrary, as a positive cause of the multiplication of offences.

Until recently it was dogmatically believed that a well-devised system of prison discipline would be sufficient for the repression of crime. If no mark was left on the forehead of the criminal, he was supposed to become after his discharge an apostle of virtue to his fellow-citizens, to carry along with him a perpetual recollection of deterrent discipline or of laudable resolutions. Unfortunately, criminal statistics were at variance with those expectations. But it was a gross error to infer from re-convictions marked in statistical tables, that defects in the previous treatment of the criminal and the means of prison discipline had led to the result. It was a gross error not to acknowledge that the best system may be defeated by neglect of discharged prisoners; that prison virtue and prison reformation may be annihilated by a subsequent working of those causes that almost force discharged prisoners into an evil course of life. With many men, and with criminals especially, the present time and occasion are the stronghold of human existence. Recollections of the past and hopes for the future, conclusions drawn from past evils, and the feeling of an approaching responsibility, exercise a comparatively small influence. Supposing them to have been induced when in prison to resolve upon an honest course of life, to have been under the moral impression of deterring discipline or apparent contrition,—yet those impressions will very soon pass away with a return to the same social conditions which surrounded them when they first came into contact with the criminal police. The recollection of great pecuniary losses, in a commercial crisis, vanishes in times of commercial prosperity. A present gain and the spirit of speculation sometimes are more powerful, even on honest and respectable merchants, than the recollection of former or the fear of future misfortune, till a new crisis restores commercial health. Can we suppose that criminals are not subject to the same psychological laws? Are we entitled to think that in criminals the results of these laws will be more beneficial than in honest men?

Society at length began to understand that care ought to be taken of discharged criminals, not only for the sake of humanity, but in order to attain security against the further perpetration of crime. Benevolent associations sprang up for the purpose of removing those obstacles that barred the prisoner's way to an honest life. Whatever may have been the results of such associations, whether their efforts in general proved successful or not, the Legis-

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lature gradually became impressed with their importance. There exist vital forces in society of so great a power, that many tasks of common usefulness or even common necessity may be left without any interference on the part of direct legislation. But the question as to what should become of discharged prisoners cannot be exclusively intrusted to benevolent societies. If it be proved that the effects of previous prison discipline depend on what is done for discharged prisoners, legislation cannot remain inactive, whatever confidence may be placed in the working of benevolent societies; for it must be remembered that the formation of aid societies must be attributed to local circumstances, to the personal zeal of some of their promoters, to the means at their disposal. Criminals, moreover, have a free choice to accept a helping hand tendered to them, and experience shows that the worst offenders prefer returning to their former haunts to accepting assistance offered under certain restrictive conditions. Perhaps a time may come when benevolent societies for the aid of discharged criminals shall have increased to such a number that they shall be enabled to offer assistance to all discharged prisoners. For the present we must confess that, although we cannot speak too highly of the personal exertions of their members, the great mass of discharged prisoners cannot be brought within the range of their beneficial influences.

On the Continent in France, Belgium, Prussia, and many other States, where legislation has turned its attention to a more direct intervention in questions of social importance, certain categories of discharged prisoners, especially political offenders and re-convicted thieves or burglars, are placed under the supervision of the police, which is either legally prescribed or may be ordered by judicial sentences. Such as are under the supervision of the police are not entitled to claim the strict observance of the Habeas Corpus Act; they are subject to repeated inquiries by the constabulary force; they are, moreover, forbidden to depart from their lodgings during night time; they constitute a suspected class of persons. An additional penalty may be discovered in the supervision of police. The French code allows the judge to inflict it in any case of larceny, and orders it in all cases of re-conviction for any misdemeanor whatever. Prior to the French code now in force, even those that had been acquitted could be put under the surveillance of police. In Prussia the same measure of precaution is restricted to the more serious cases, and may be extended to a period of ten years after the prisoner's discharge.

It cannot be denied that the intention of such an institution is just and praiseworthy. No distinction, however, being made between that class of offenders which during incarceration gives no mark of reformation and the other class, which, by the prison authorities, is termed hopeful, the benefits, which under other circumstances might be derived from it, are totally lost. It may be asserted, that the indiscriminate application of supervision, no regard being had to either good or bad behaviour of prisoners, is a direct source of new crimes. There are certainly many cases where precaution is required and sus-

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picion justified; but there are as many other cases where the final re formation of discharged criminals depends on their being treated with confidence. In France and in Prussia police supervision is little more than a moral stigma, a predestination to a career of crime, under the impression of which criminals lose their own moral confidence and their hope of a future reception into the honest part of the population. Employers are deterred from any communication with discharged criminals placed under the supervision of police. The benevolent societies operating for the purpose of procuring employment for discharged prisoners must conceal the fact of existing supervision; an accident may destroy the results of their efforts. As soon as it becomes known that a man is placed under the supervision of the police, a prejudice arises against him which he cannot overcome. The police, on their part, can make no distinction between different individuals; it is sufficient to know the fact that a man is under supervision. Whatever may be his intentions, the police consider him to be a dangerous criminal, in consequence of his having been declared so by a judicial sentence. In Prussia, at least, it is almost universally acknowledged, that police supervision, as a necessary and absolute consequence of judicial sentences, is a legal contradiction to any hope of reformation.

It would be quite different, indeed, to make police supervision dependent on the prisoner's behaviour during his incarceration. It would be the grossest error to compare the Irish institution of police supervision to the Continental system which bears the same name. It is obvious that conditional pardons and licenses to be at large cannot be executed without a vigilant power in order to keep up the strict observance of those rules under which the original length of judicial sentences was reduced to a shorter period. To make the detection of new offences or of irregular conduct a matter of casualty would materially weaken the majesty of the law. Any neglect of the conduct of ticket-of-leave men would raise the hope that other offences might also remain undiscovered.

I am convinced that conditional pardons can be rendered useful only in those cases where their observance is warranted by vigilant superintendence. But even without that close connexion between police supervision and conditional discharge, such an institution as the Irish convict system should operate beneficially. The Irish police, as far as I can see, do not make a constant show of distrust towards discharged prisoners. It is their duty to give assistance to those who, according to the competent explanations of the prison authorities, are entitled to confidence. It is their duty to be an intermediate institution between the prison officers, discharged prisoners, and employers,—an institution established in order to carry out the views of the prison authorities, and to remove the prejudice of society against discharged prisoners, who are to report themselves to a police station, not for the purpose of being made the object of research and imminent prosecution, but for quite an opposite purpose, viz., of affording a proof of their continued good behaviour, and of testifying in their

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own favour. A comparison cannot possibly be admitted between the Irish establishment of supervision, which requires discharged criminals of good character to report themselves to a constabulary office, and the Continental supervision, by which, on mere suspicion, discharged prisoners are dragged from their beds by night, or employers warned against those towards whom they felt inclined to show some sympathy.

By Continental supervision, a criminal class is created where it formerly did not exist; by the Irish supervision, a criminal class will be destroyed where it had commenced to form itself.

It may therefore be asserted that police supervision, as it is organized in Ireland, is a powerful instrument in the development of the different ends of punishment—the reformation of individuals and the safety of society. Immediately after their departure from the prison gate, discharged prisoners are placed under a rule which is to govern their liberty. Should their early notions of liberty have taught them to avoid thinking about their responsibility in using it, now, at least, they must learn that liberty does not mean license. Another difference between the Irish supervision, which I think highly commendable, and the Continental law, which I think highly objectionable, must be found in the circumstance, that the former is operating according to experience gathered by prison authorities, in general better able to know the criminal's character than a judge who has to deal with him for some hours or even for some moments; whilst on the Continent, an abstract rule and legislative generalization have introduced police supervision, regardless of the individual character of criminals.

It may, however, be a question deserving further attention, whether it be desirable to have a more general application of police supervision even in those cases where no conditional pardons are granted, and where a prisoner, on account of his bad behaviour, has undergone the full term of his judicial sentence. As we have now in the Irish institutions a supervision of confidence with regard to offenders in the course of reformation, there may be devised a supervision of distrust with regard to offenders who belong to the criminal class, and have, until their release, remained inaccessible to moralizing efforts. Continental supervision may be rendered applicable to the latter cases, with a view of presenting a check against such as are, according to all probability, inclined to the commission of new crimes.

The ancient criminal law of Prussia prescribed confinement for life in any case where a thief had been thrice convicted of larceny. Modern legislators have become rather too mild in their enactments with regard to re-convictions. Habitual offenders should—as has been sufficiently proved—be legally distinguished from that class of criminals whose crimes appear to be a result of temporary circumstances. In proportion to the increasing number of sentences of short imprisonment for re-convictions, the impression on the criminal's mind will be gradually diminished, or at last totally extinguished.

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Hence the necessity for long terms of confinement in those cases in which previous imprisonment has proved ineffective; and in addition to this lengthened period, police supervision should be imposed on those that have been refractory to the prison rules, or have been accustomed to regard prison life as an accidental pause in their career of crime. It should be imposed until it be evidently proved by discharged prisoners of this latter kind that their former habits of profligacy and idleness are broken off. No fear ought to be entertained that the administrative authorities might abuse their power. Errors in individual cases may occur, as in all human affairs. Sufficient responsibility on the part of prison officials would counterbalance those errors. Moreover, individual errors are scarcely to be compared to a general neglect of the interests of society. It will be the duty of legislation to organize supervision, whether it be intrusted to aid societies or to police magistrates, for the double purpose of protecting discharged prisoners of good character against temptation, and of protecting society against those who have proclaimed crime to be their calling; the two kinds of supervision must employ different means in order to obtain their different ends.

Why the Community should take an Active Interest in the Treatment of Adult Convicts. By Captain Walter Crofton, C.B., *Chairman of the Board of Directors of Irish Convict Prisons.*

In a paper read by me at Liverpool at a meeting of this Association held in 1858,* I endeavoured to prove that by the aid of "Intermediate Prisons," "lengthened sentences of penal servitude on Habitual Offenders," and "Police supervision over liberated Criminals," we might hope to satisfactorily solve the difficulties of the Convict question. I propose to show in this paper that society has a deep interest in the treatment of Adult Convicts on three most important grounds:—1st. On the ground of "Humanity." 2ndly. On the ground of "Self-preservation." 3rdly. On the ground of "Economy."

With regard to the first ground, "Humanity," it will be remembered that, in 1854, an Act was passed for the establishment of reformatory schools in Great Britain. By that Act a great principle was accorded—viz., that neglect and bad training required other treatment than penal infliction. "Juvenile offenders" since the passing of that enactment have had cause to bless the humanity and the wisdom of the State which has taken their better training upon itself, and of thankfulness to those individuals without whose assistance the State would have been powerless to aid them. So much for juveniles convicted since the passing of this Act. But where are the juveniles convicted antecedent to this period? They are for the most part the adult convicts of the present day. Thousands now detained in our Convict and our County prisons

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* See *Transactions*, 1858, p. 376.

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were once of the neglected and badly trained "juvenile class," who, according to present legislation, might, humanly speaking, by better training have been rescued from a life of sin and misery, and from the prisons in which we now find them.

To me, looking upon this question as the accident of time, and as an acknowledgment on the part of the State of having erroneously treated young criminals prior to 1854, I must confess it appears to be an imperative necessity, an act of simple justice, to apply every possible means at our disposal to rescue, even at the eleventh hour, those whose misfortune it has been to attain the age of sixteen years prior to the enlightenment of 1854. The process pursued with them may be somewhat different, but I maintain that we, as a Christian people, are bound to secure their reclamation by every practicable means.

We are not to be deterred by the reckless, criminal, and almost revolting aspect too often presented to us in the appearance of the adult offenders, but we are to consider, with all humility, that these hard lines and scowling aspect have been accumulated by a life of antagonism to all that is good, generated in some part by an alienation from "all that is kind."

Let us inquire what can be done, and let us see what has been done, to attain so desirable an end as the amendment of the Adult Criminal; whether the principles which have proved so successful with the young may not be applicable also to the more advanced in years. Can we not individualize, and seek after that which is good in every person, old or young, and foster it, and under the blessing of God bring it to maturity? Can we not wrestle, and struggle, and strive to eradicate that which is evil? Can we not examine the faults and weaknesses of character, and to the best of our power make their opposites the road to advancement?

Do we not know that the bane of the criminal class is self-indulgence, idleness, and a want of self-restraint? By therefore placing a premium upon self-negation, industry, and self-restraint, and making these qualities the grounds, the felt grounds of the Criminal's advancement, you afford to him a good and reformatory training. It may be so in a greater or a lesser degree to individuals, but it must be so in a degree to all. By the same process, his bad and more natural qualities may be made to retard his progress to the goal all are desirous to obtain—viz., liberty.

I pause here for one moment, because I think there may be some who question the justice of admitting an interference with the sentence of the judge through any subsequent act of the criminal under detention. I think it better therefore to explain, that since the enactment of June, 1857, (20 & 21 Vict.,) the judicial officers are, at the time of passing sentence, made aware of the course which will be pursued, and that a certain and proportionate part of each sentence can be abbreviated through the conduct of the Criminal.

Let us make the most of this great concession, and so regulate our procedure with the Convict under detention as to take the utmost

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advantage of it to secure, as far as may be possible, his amendment if not his reformation.

Let us now inquire what has been done. The qualities before named as desirable to obtain—viz., industry, self-negation, and self-restraint,—are in the Irish convict system designated by marks; and it is by the attainment of these marks—*i.e.*, by the constant exercise on the part of each "individual" of qualities distinctly opposed to those which have led to his incarceration—he can alone improve his position under detention, and attain, within certain defined limits, his liberty.

The convict is perpetually climbing a ladder the steps of which, difficult and toilsome at first, become easier and easier in ascent as self is overcome, until he attains the "Intermediate Prisons," in which the marks cease; and all are supposed to be alive to the necessity of co-operating in their own amendment, and to be thoroughly grateful to the State which, in its justice, and not in its vengeance, has incarcerated them.

You will find this to be no mere theory, but a practical result illustrated at the "Intermediate Prisons"; in them you will find the slower climbers up the ladder of industry and self-restraint associated with those who have progressed more rapidly. It may be, that the cause in some instances has been more innate depravity than in others. It may be, that a giddy and thoughtless spirit has in some cases induced a reckless early career under detention. But when the required number of marks has been attained, all are welcome to this haven; there is no longer any difference between them.

You will find by examination of past and present records, that we have been, and are now, dealing, not with the selected men it has been the business of our very few opponents to state would be alone found in these Establishments; but the reckless, daring, and oft-convicted offender, who by a long course of bad conduct in prison, as well as out of it, has taken years longer, in some cases, to climb the ladder of admission than many of his brethren in crime.

It is a long lane which has no turning; but the turning has come at last, and what will you find? Sullenness, soreness, and discontent caused by the lost time, and extra detention, which misconduct in prison has entailed upon them? No.

Will they feel wroth with the State which, in its rigid requirement of the exhibition of qualities testifying to the amendment of the individual, has caused this loss of liberty for years? Not so. The position in which you will find the Convicts encamped on Lusk Common will be an ample reply to this question. You will find the fruits of the training to result in an active desire to perform the labour of the State which has incarcerated them.

And why? Because the Criminal is co-operating with the State in his own amendment. This is no exaggerated picture, as you will find. Let no man henceforward state that there is no amendment for the adult offender who has made crime his vocation for years: we point to Lusk, which conveys all which has preceded it; we point

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to the Refuges; and we point to the once daring burglars of this city who have now, within our own observation, lived in honest industry for years.

Let us therefore not neglect the profitable lesson this inquiry may convey to us, for "Humanity" calls upon us to apply it.

With regard to the second ground, "Self-preservation."

According to the Irish convict system, the "Intermediate Prisons" lead to liberty, which, under the Act of 1857, is in all cases of abbreviation of the term of sentence "Conditional," until the expiration of the original period of detention passed upon the offender. In both England and Ireland the liberty is "Conditional;" but in Ireland the conditions indorsed on the license mean something. They are in all cases strictly enforced.

This enforcement is a continuance of the Convict System—a last link in the chain of our treatment of the greatest value—a step onward from the "Intermediate Prisons"—leading strings to free life, a gentle and judicious feeling of which is of the highest importance to the individual and the best protection to the public.

We can tell you of many who have drawn back from the consequences of irregularity leading to crime, through the action, the gentle feeling of these leading strings, and to our knowledge have had cause to bless their institution. Impressed with their utility, we have had in some cases to deplore the shortness of sentences which has restricted their action.

With a view to the protection of the public, the Irish convict system does not confine itself to this safeguard. We have taken steps, by means of photography and correspondence with the Governors of county and city gaols in Ireland, to systematize the proof of former convictions against old offenders, and thereby entail longer sentences upon them.

It is obvious that by these means Crime can be made a perilous calling, and the Community be properly protected; but it is also obvious that this mode of procedure makes cases which affect the percentages of the system which carries it out, for it is evident that the relapses under such a state of things might be expected to be much more considerable than under any system which ignores the course of the Criminal when discharged from the prison gate.

The great difference which exists between a "positive" and "negative" mode of dealing with criminal statistics cannot be too strongly impressed upon the public mind; and the very dangerous fallacies to which negative statistics may give rise cannot well be easily exaggerated.

Notwithstanding the strict system pursued in this country, what do we find to be the number of revocations of license and of re-convictions to our Government prisons during the five and a half years in which our Intermediate Prisons have been established? Why, under 10 per cent.; and included in this number are very many cases which have been returned to the Establishments for the commission of irregularities which were not criminal.

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Without assuming for one moment that all those not re-committed have been reformed, I would ask whether, taking into consideration the appliances used in Ireland for bringing offenders to justice, this is not a most gratifying result—a most triumphant testimony to the soundness of principles which have been advocated for years by so many around me? and whether this mode of procedure is not one which must assuredly tend to deter from crime, to break up the criminal class, and be to the public a measure of "self-preservation"?

The proper training of the Adult Convict is also to be advocated upon the third ground of "Economy."

It is quite manifest that if you train the Criminal upon the principles stated on the ground of "humanity," you will, as has been proved in Ireland, obtain his co-operation in his own amendment; and you will then, and not until then, be enabled to dispense with costly Prison buildings and numerous and expensive staffs and guards, and thus to substitute a moral for a physical force.

You will have to surround the Criminal with special agencies to obtain the end in view, but they need not be numerous.

Under such circumstances it is clear that you can locate Convicts, at certain periods of their sentences, on any work which the State may require to be performed, with a trifling cost as to buildings which can be made to be removable, as at "Lusk Intermediate Prison."

Without confining ourselves to the economy and convenient application of the labour during actual detention, let us contemplate the economy which will be the consequence of the amendment of the adult offender; and in order to fully appreciate this result, we must not confine the area of our contemplation to the mere fact of the offender himself being amended, and the saving of cost on that ground—we must grasp the consequences of his pernicious example and evil training upon others.

We very wisely pay, at the present time, about £75,000 per annum towards the support of the Reformatory Schools of the United Kingdom, and we are likely, and still wisely, to have to pay a considerable sum also for "Industrial Schools." I therefore maintain that it is imperative upon us, even in a financial point of view, to take such steps with regard to our "adult criminals" as will in a great measure tend to prevent their counteracting, by bad example and evil training, the good which so many devoted persons are now effecting, and towards which we taxpayers so wisely and cheerfully ntribute in aid.

In concluding this Paper, I think it right to state that my official connexion with the "Irish Convict System" is now about to close; and therefore you will, I feel sure, excuse my very earnestly appealing to you for a thorough examination into its principles and results. I know of no tribunal so well qualified for the purpose. I see around me those who have fought for, and succeeded in carrying out, principles they have proved both sound and successful. Let me ask them, earnestly ask them, to examine whether, during

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the last seven or eight years of my official career, I have allowed these principles to lie dormant. Let me ask them to examine whether the few—the very few—persons who have objected, without knowledge and without inquiry, to our system, have the veriest shadow of foundation for what they have alleged.

They have stated :—

1st. That we have not been dealing with real Criminals, but merely with lapsed offenders, and that we have selected men on whom to operate.

2nd. That it would be impossible to preserve morality and order in the Huts in which the convicts are associated before liberation.

3rd. That the exhibition of Convict labour in this form would be the means of overflowing the prisons.

4th. That Police supervision could not be carried out without gross abuse.

If these allegations can be disproved, as they will be disproved and scattered like so much chaff to the wind, we are bound, for the sake of humanity, justice, and sound policy—and this great and valuable Association is bound for the sake of social progress—to take heed that the principles which govern the Irish Convict System, and the results which have followed the enunciation of these principles, lie not fallow.

There has been, and there is yet, great ignorance upon this subject; and this ignorance has been our greatest opponent. But when we remember the stout walls of prejudice and of ignorance which were raised in opposition to the institution of Reformatory Schools, and how these walls were at last successfully breached, we cannot but be most hopeful. Those who were concerned in this warfare—and I see many before me—will, however, remember that the exertions used were of no ordinary character; and believe me when I state, that notwithstanding what Ireland can show now, and has shown for some years, to illustrate the truth of the cause I am now advocating, it will require little less exertion than was then used to obtain for it universal acceptation.

This task of enlightenment, acceptation, and reform, I now place in the hands of this powerful Association, feeling assured that the great truths demonstrated at our Intermediate Prisons and Refuges in Ireland will be by these means very profitably and rapidly extended.

When I state that so eminent a man as Cavour (who, when in England a few years since made himself practically acquainted with the habits of the "criminal classes,") caused an inquiry to be made into the "Irish Convict System" from a conviction that it was based upon sound principles; when I state that the result of this inquiry was to obtain for us the highest eulogium of that illustrious statesman; when I further add the approval of such men as M. Berenger and M. Demetz, of such eminent jurists as Baron Holtzendorff, of Berlin, (whose presence at this meeting I rejoice to see,) and Professor Mittermaier, of Heidelberg, and find the fruits of their advocacy in Oldenburg, in Prussia, in Tuscany, and in

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Portugal; and that under the direction of M. Cozziris, the Inspector-General of Prisons, these principles are carried out in the Ionian Isles, and also in America; I feel that I am not asking your support for a mere theoretical vision.

We are not now to be told with a shadow of reason or of justice, that these principles may be profitably applied to adults in Ireland, but that in England they would assuredly fail; that principles which deal with feelings common to every human breast may be sound for the man who is born in Tipperary, but are totally inapplicable to his fellow-subject who is born in Gloucestershire.

I am thoroughly conversant with the Criminal classes of both countries, and I know of no reason whatever for restricting the application of these principles.

I know the police of both England and Ireland, and their system of proceeding, and I can see no reason to impute to the Saxon a want of discretion which we have not experienced from the Celt.

These are phantoms which should only exist in the imagination of the uninformed, and will infallibly be dispelled as soon as they are closed with.

The "Irish Convict System" was once stated to be a mere experiment which would collapse in a year. It is now, after many years' practical experience, a great and accomplished fact, which has very materially reduced the Convict population of this country, concurrently with the institution of improved appliances for bringing old offenders to justice. It is a system which has, consistently with the most humane principles, carried out a most stringent and protective mode of Convict treatment.

I do not feel that I shall appeal to you in vain. If nights, as well as days, of anxious thought and responsibility have somewhat impaired my health, and if circumstances have rendered necessary my retirement from my present office, it will be to me a great comfort to find that the cause still progresses. Great reforms do not advance of themselves. Past experience informs me that hostile objections may again arise, and may even multiply when I am gone. Believe me that I speak truly when I say, that however able the future administration of the Irish convict system may be, however zealous and earnest its workers, it will yet require all the assistance and support which this Association knows so well how to bestow on what it considers to be based upon sound and intelligible principles. I have great reason to be thankful to those who, under circumstances of much trial, have assisted me so materially in the cause. It is one in which the labourers must work from other motives than those of hire. Disappointments will ensue, but hope must not abate. Health will fail, but energy must not slacken. Death will come, as it has come, and within the last few weeks removed from his sphere of active usefulness one it has often been my gratification to publicly name—Mr. Good, the late superintendent of Smithfield, whose untiring zeal and industry for the cause I feel had so much to do, humanly speaking, with his removal hence.

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Gaps like these, my friends, are difficult to fill, and convey to us the lesson to take heed by the course we pursue, that there still remain those who are not only willing but able to fill them. One word more, and I have done. My task will be to prove:—

1st. That "Habitual Criminals" are cheerfully and willingly performing the work of the State, which in its justice and not in its vengeance has incarcerated them, in localities without walls and without physical restraint.

2nd. That after liberation the same class of Criminals are now living, and have been for years living, in honest industry. When I add to these proofs the fact that the Convict prisons are now half empty, and show to you the appliances for bringing old offenders to justice, I believe that all that can be expected from a Convict system will have been attained. These points will very fully convey the whole. But, after this examination I have one request to make; it is this—That those who feel satisfied with the result of this investigation will, on their return home, each exercise an influence on behalf of the cause on the area immediately around them. We may thus hope to find it at last very generally admitted that however bad may have been the antecedents of the "Adult Convict," it is, under the blessing of God, for him as for others, "never too late to mend." *

Treatment of Adult Offenders: Effects of the System in the Convict Prisons in Ireland. By the Rev. Thomas Robert Shore, B.D., *Chaplain to Mountjoy Government Prison.*

The general character and beneficial results of "The Irish Convict System" are now so well known, that it is unnecessary to dwell upon them. It may, however, be interesting to look into that which is not so patent to the public eye—the effects of the system upon the individual prisoners, and what tends to produce those effects. In this aspect I have been able to see the working of the convict system upon each individual mind, during the many years that I have been chaplain of Mountjoy and Smithfield Government Prisons—the former being the one in which each convict is placed immediately after his conviction, and the latter the place in which he passes the last stage of penal servitude.

Six years have now elapsed since, for the first time in Ireland, a reformatory system of training has been adopted in the Convict Service. Heretofore all such criminals were sent to a distant country; and society at home, relieved from their presence, bestowed little thought on what was ultimately to be their destiny either in this world or the world to come. But when circumstances rendered it necessary to retain those criminals at home, and consequently to return them again to form part of the population of this country, the case was necessarily looked at in a different point of view.

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* Since this paper was read, Captain Crofton has withdrawn his resignation, and, happily, remains at the head of the Irish Convict System.—Ed.

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Formerly the welfare of society required only the deterrent principle in the punishment of offenders; all consideration for the future destiny of the criminal was lost sight of in the hope that his punishment would serve to deter others from crime. Latterly, when society has to receive back the convict on the termination of his sentence, its welfare demands, not only the punishment, but the reformation of the individual; and it is plain that the well-being of society is best provided for by a reformatory system, even if under it punishment were to lose somewhat of its deterrent character.

I see in the public papers great complaints of the results of the system of "tickets-of-leave" in England. I do not know whether the system of testing each one through varied stages is the same there as in Ireland, nor do I feel it to be within my province to offer an opinion upon the general question; but I state only the results of facts within my own knowledge when I say, that placed, as I have been for some years, in contact with the convicts in the last stage of the process of restoring them to the society of their fellow-men, my experience is that the results of the system in Ireland are such as the most sanguine hopes of its promoters could have scarcely anticipated. It was easy for one in my position to trace the effects of the system under which such happy results have been attained. A man on conviction is first sent to Mountjoy Prison, for eight or nine months. He is at once placed in a separate cell: there he remains alone, though with hundreds around him. His cell—his books—his mind, become his world: he begins to think. His train of thought is never interrupted, save by one hour's daily exercise and one hour's instruction in school, by the visits of the chaplain, or the call to Divine Service. Those interruptions but supply new subjects for thought; and thus the man, who probably never before gave one hour to serious reflection, is brought to think. The whole system is directed to lead him to reflect upon the past, and to look forward to the future. Placed under the strictest discipline, he finds that discipline carried out with kindness and discrimination. By frequent conversations, and the loan of books, selected as being suited to his state of mind and feeling, I am enabled to supply him with the means of moral and religious improvement which, when at large, he neglected or despised. Now he avails himself of them; at first, possibly, from no better motive than a wish to beguile his lonely hours: but thus food for thought is supplied to him, and, secluded from all other distracting influences, he begins seriously to reflect, probably for the first time in his life. In the great majority of cases, I think I might say in three-fourths of the whole, I see the inestimable benefits resulting. The evil passions grow calm, through want of exercise; the varied forms of external temptation become powerless, through lack of opportunity; and the fascinations of what were once deemed pleasures fade in distance. The mind lies fallow for a little time—the very best preparation for sowing the seed of Divine Truth. And with heartfelt thankfulness to Him, who alone "giveth the increase," I have seen the very many instances in which His word has not

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"returned void," but has taken root downwards, and is already "bearing fruit upwards." Many, whose sincerity I do not in the least doubt, have declared to me that they have learned to regard their committal to Mountjoy Prison as a kind intervention of Providence to stop them in their career of sin, and to lead them to think of better things; and some have even expressed a desire that they might be permitted to remain there, confined in their solitary cells, for the entire period to which they were sentenced; so much did they enjoy reading and meditation, and so anxious were they for mental and spiritual improvement. How different is this from all their former thoughts and views! Nay, how perfectly opposite to the state of mind of most of them, on their first arrival, and for some time afterwards.

Having completed the term of his separate imprisonment in Mountjoy, the convict is removed to the "associated prison" at Philipstown or Spike Island, where, employed at "hard labour," he mixes with his fellows for two or more years. There he learns order, discipline, and industry, and his progress is recorded in monthly judgments, on the quality of which depends his ultimate promotion to the "exemplary class." Thus hope is awakened, and becomes a stimulating principle to his mind. Should he, under the operation of those agencies, prove worthy of being promoted to the "intermediate prison"—at Smithfield and Lusk, his hope dawns into reality; he feels himself on the threshold of liberty, and his best energies and feelings are called into action. Then, in the intermediate prison, those energies are stimulated, and those feelings cultivated, by the most ample provision for religious and secular instruction, combined with constant industrial employment; and the convict who felt himself an outcast begins to feel himself a man again.

It appears to me to be a very important feature in this system, that as each man advances a stage towards reformation, he is at each stage removed to another and distant prison. The very fact of his being thus transferred to a new abode gives to him an idea of reality in progress, of which no nominal promotion, while he remained in the same prison, could make him sensible. Every such removal he feels to be a real, perceptible step towards liberty; and the results are obvious.

I would add one fact. Camden Fort was appropriated to a limited class, selected from Spike Island Prison, and those have been placed under a reformatory system of instruction; and when a detachment of prisoners were brought up to Smithfield from Camden Fort, it required little experience or observation to see how far superior in mental cultivation, discipline, and moral training, they were to even the best men received from the ordinary Government prisons. That showed clearly the importance of dealing with those men in small numbers. I was often surprised that it should have occurred that a man who for three or four years had been deemed "exemplary" in the several prisons through

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which he had passed, should, on reaching the "intermediate prison," appear to be unworthy of that character. Had he successfully imposed upon the officers elsewhere? It is not necessary to assume any such thing. During the period that he had been confined in an associated prison he had been but one of a large number, where all were necessarily subjected to precisely the same course of treatment, as regards instruction as well as discipline. There no facility existed of dealing with the men according to the idiosyncrasy of each, no opportunity of individualizing them. There the requisite discipline led some to exhibit a character which might not be real; in the intermediate prison the greater latitude allowed to them tends to the exhibition of their true characters and dispositions, while they are subject to the most discriminating observation. I will adduce one instance as an illustration. I acted as chaplain in Newgate Prison also, where the men were associated, and treated as in the other prisons of Spike Island and Philipstown. During that period, there was one prisoner of whom my observation led me to form a very high opinion; in short, he seemed to be really "exemplary." Subsequently all the prisoners were removed from Newgate, and this man sent to Philipstown. There he similarly gained the character of being "extremely well-conducted;" at the close of 1857 he was sent up to Smithfield, to pass through the "intermediate stage," preliminary to his being discharged; and he was not there more than a week when I obtained an insight into his disposition such as I had not been able to gain during six months' intercourse at Newgate, and my opinion of him was altogether changed.

In 1857 an addition was made to the intermediate prison by the erection of huts on the Commons of Lusk, whither were sent those men who, not being tradesmen, can be more suitably employed as labourers. It is an interesting sight to see those men at work in detachments on the open commons; accompanied only by a single warder, not to guard them, but to superintend their work. And yet with all the freedom from restraint which they there enjoy, it has not been found that they are less industrious and well-conducted than when they were in close confinement, and under strict restraint. Surely this is a state of things for which we cannot be sufficiently thankful. A long period of isolation, followed by some years of hard labour, under strict discipline, generally calms down the original impulsive temperament; and then the revulsion of feeling, which results from their transfer to the intermediate prison—as to an advanced stage on the road to liberty—opens the mind to a susceptibility of impression for good or evil, of which it is all-important to take advantage. It then becomes essential that every instrumentality should be provided in order to direct to good those newly-awakened susceptibilities. The prisoner should then no longer be allowed to feel himself an outcast from society, but rather as one that is about to re-enter it as a once-erring but now reclaimed member. He should be led to feel that society no longer desires that he

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should be kept from rejoining it as long as possible, but that it is quite willing to receive him, if assured that he is a changed man; that it desires not to exact the full penalty of his past transgression, but will readily admit him again, as soon as there are reasonable hopes that he is sufficiently improved to be qualified for re-admission. I know how commonly it is thought that the chaplain of a prison can be easily imposed upon, and made the dupe of those who have been long skilled in the art of deceit; I feel, however, that upwards of thirty years' experience as a prison chaplain and as a parochial minister, principally among the poorer classes, has not been so unimproved by me in acquiring a knowledge of character, and observing the workings of the human mind, as to leave me very liable to imposition; whilst I studiously avoid affording any motive for it, by refusing to listen to the slightest request of a prisoner on any subject whatever relating to his position or treatment in the prison, thus, by rigidly abstaining from the least interference between him and the officers, make it plain to him that he cannot gain any temporal benefit or amelioration of his condition by efforts to ingratiate himself with me. Yet from those men, unswayed by any temporal motives, I meet with unmistakeable indications of gratitude and attachment beyond what I could have possibly expected. But highly as I appreciate those feelings in the men while they are in Mountjoy Prison in my immediate charge, much more do I value them when they are expressed by those who have been removed hence to other prisons, who are altogether out of the sphere of my personal influence, and who may probably never see me in this world again. Regularly do I receive from the prisoners who have gone to Spike Island letters which gladden my heart. Each man there can write but one letter every three months. He has, of course, relatives and friends with whom he is anxious to communicate; yet one or other voluntarily foregoes that opportunity, and uses his privilege of writing to send a letter to me, whom he had never known, except during the eight or nine months of his detention in Mountjoy. If it were not out of place to give copies of those letters they would speak for themselves; they express not only the sentiments of the writers, but contain messages of kind remembrance from most of the men who had been under my charge. And I always observe that those letters contain no request whatsoever, save that I would write in return.

TREATMENT OF YOUNG OFFENDERS.

The Reformatory Legislation and Progress of the Year. *By* A. O. Charles.

UNDER the term "Reformatory Legislation" we include all those subjects connected with the prevention or cure of juvenil crime which have come before Parliament either for the purpose of

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direct legislation or as matter of report or discussion. During the Session just closed these subjects have been more than usually numerous.

To take direct legislation first, the only question connected with the certified reformatories related to Scotland. A Bill was introduced into the House of Commons to authorize the counties to appropriate certain funds collected under the County Assessment Acts, and which had been lying idle for years, towards the establishment and support of reformatories. The Bill was very short, and called forth little remark in the Lower House. On its introduction, however, into the House of Lords by Lord Kinnaird, its progress was arrested; the wisdom or justice of such an appropriation of the funds referred to was called in question; and, on a division, the Bill was thrown out.

The chief legislation of the Session connected with the movement has been on the Industrial Schools Bills. They were three in number, devoted respectively to England, Scotland, and Ireland. The friends of the cause have no reason to complain of scanty time having been devoted to these measures. One of them, that relating to England, was introduced shortly after the Session commenced; it was frequently the subject of discussion in the Commons, and, together with the kindred Bill for Scotland, was specially considered by a Select Committee of the Lords. Both these Bills received the Royal Assent on the last day of Parliament.

The corresponding Bill for Ireland was in substance the same as the English Bill, and it was hoped would have been equally successful in passing through both Houses. Some opposition, however, was threatened, connected, as we have reason to believe, with the religious element in the Bill; and whether from this cause, or from the comparative lateness of the Session when it was introduced, it was thought desirable to withdraw it, with the intention of bringing it forward again next year. The interval may, perhaps, be usefully employed in considering what, if any, modifications are necessary, with the view of securing it an easy and unopposed passage.

The English Act amends that passed in 1857, under which industrial schools have up to this time been certified, but which has in great measure remained inoperative. The following are the chief new points in the amended Act.

Hitherto the only statement as to the offence for which any child could be committed has been "a charge of vagrancy." This has proved the real hindrance to the working of the Act, as few magistrates would commit under so vague a charge. In the metropolis so general was this feeling, that only about twenty children had been committed in the four years since the Act passed. Now we have the offences clearly defined. Any child under fourteen found begging, or being in the streets for the purpose of begging. Any child under fourteen found wandering, and not having any home or visible means of subsistence, or that frequents the company of reputed thieves. Any child under twelve committing an offence punishable by imprisonment or some less punishment, and whom it may seem

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desirable, having regard to his age and circumstances, to send to an industrial school. Any child under fourteen whose parent is unable to control him, and who wishes that he may be sent to such a school.

Thus we have not only the more distinct definition of vagrancy, but the operations of the Act are extended so as to include petty pilfering, and those more trifling acts of crime for which a short imprisonment and detention in a reformatory seem too severe a punishment. If all, or nearly all the youthful offenders under twelve are now sent to industrial schools, we shall greatly narrow the work of reformatories, as they in their turn narrowed the work of juvenile prisons; and we shall be producing the same results at a less expense, and without the injurious effects of the short imprisonment required under the Reformatory Acts.

The next important alteration relates to the powers of apprehension. Under the old Act it was doubtful with whom this rested, many supposing that a child could only be taken into custody by a policeman, who must himself be a witness of the act of vagrancy; and this was much more unlikely in his case than in that of a private individual. It is now declared that any person may bring a child coming under the above descriptions before the justices, and it is not necessary to have the intervention of the police at all. And then another improvement follows in the process of commitment. It is not now absolutely necessary that there should be the delay of a week between apprehension and committal, but if satisfied, the justices may commit at once. Should time, however, be necessary for further inquiry, the child may be sent to (and forcibly detained in) the workhouse of the parish where he was found, for a period of seven days, at the cost of the union.

Another alteration is in the clause relating to "absconding from school." In addition to the power which previously existed of sending back a child wilfully absconding or neglecting to attend, such a child may instead be sent to a certified reformatory until he is fifteen years of age: and the like power is to apply to one who "wilfully refuses to conform to the regulations" of the school.

With regard to the payment for children committed, the Act simply gives the power to the Treasury to contribute out of the public funds towards their maintenance. But a circular from the Home Office informs us that 5*s*. a week will be paid to schools in England, and 4*s*. to those in Scotland, for each child.

The remaining alterations, though useful, are unimportant, if we except the introduction of the words "destitute and refractory" in the preamble. This at the outset more fully explains the object of the Act; and with the provisions to which reference has already been made, it is hoped that the class of children for whose real benefit it is intended will at length be effectually dealt with by the State.

The above remarks were written before it was known that a clause limiting the operations of the Act to the 1st of January, 1864, and which it is understood was inserted at the suggestion of the Chancellor of the Exchequer, had been retained. In consequence of

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representations made to leading Peers by some who saw the evils of this clause, it had been struck out in the House of Lords, but was re-inserted in the House of Commons in a thin House at the end of the day, without notice, and without the Bill even appearing on the orders of the day. It is, we believe, now stated that as the Bill was, so far as this clause is concerned, a money Bill, the House of Lords could not make the alteration. However this may be, the clause cannot but be regarded as most injurious, if not altogether fatal, to the successful working of the Act. It cannot be supposed that new schools will be established under it with the prospect of their having to be given up in little more than two years; nor will the managers of existing schools not already certified be very anxious to adopt the Act, and to make the necessary alterations in their establishments, with the like uncertainty. It affords no real security to the Treasury. The protection to the public purse is threefold:—1. The Secretary of State can refuse to certify, and so control the number of schools. 2. He can discharge the children, and so limit the number of inmates. 3. He can reduce the rate of allowance, and so at once lessen the burden on the Exchequer.

This clause, too, makes the interpretation of others somewhat doubtful. The question has already been raised whether, if the Act is limited to the 1st January, 1864, any child can be committed for a period extending beyond that date—or whether, if so committed, he must not then be discharged. For ourselves we should have no hesitation in carrying out the other clauses of the Act as though this one did not exist, and should regard the limitation clause as applying to fresh committals. But still there is no doubt that difficulties will arise, and that the hopes which have been entertained concerning the Act will be greatly frustrated; and an endeavour must now be made to get the clause cancelled at the earliest opportunity.

With regard to the Act for Scotland it is only necessary to say that in all material points it resembles that for England, the only variations being in some of the minor details, called for by local circumstances.

Turning now to those subjects which have come before Parliament, either in simple debate or as matters of report, the first thing we have to notice is the Report of the Royal Commissioners appointed to inquire into the State of Popular Education in England.

The opinion expressed by the Commissioners as to the certified reformatories was the only one possible. The character and operation of these institutions are fairly described. Notice is taken of the diminution of juvenile crime since their establishment; and the Commissioners, speaking of the excellent manner in which they are working, conclude that, "upon the whole, none of the institutions connected with education appear to be in a more satisfactory condition." Referring then to their previous remarks on industrial schools, they draw a comparison between the success of reformatories and the failure of the certified schools, urging that the "proper

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mode of dealing with children criminally disposed is by public authority, vigorously enforced," and that "a great diminution of juvenile offences might be expected if the object which the Industrial Schools' Act was intended to effect were pursued as vigorously as that of the Reformatory Acts." The section of the Commissioners' Report devoted to industrial schools describes the various minutes of the Council on Education, under which these schools have hitherto received aid, and gives an abstract of the Act, which, as we have already seen, is now repealed. The necessity for its amendment is urged; and it is concluded that when this is made effective, and their own suggestion is carried out of enforcing the establishment of district or separate workhouse schools, and declaring them all industrial schools within the meaning of the Act, "the necessity for industrial ragged schools will gradually pass away." This is in accordance with the opinion previously expressed, "that the object which industrial schools are intended to promote is one which should not be left to private individuals, but should be accomplished at the public expense and by public authority." The conclusion of this portion of the Report having been frequently quoted, it seems only right that it should be given here:—

"In order to avoid the appearance of ingratitude for service of the most valuable, disinterested, and self-denying character, we conclude our observations on this head, by recording our strong opinion that no class of persons interested in popular education have conferred greater services on the public, or services involving greater sacrifices of personal convenience and inclination, than the managers of ragged and industrial schools, and similar establishments.

"We think that the time may come when their generous and charitable efforts may advantageously be replaced by a general system; but the fact that they first directed public attention to the subject, and that their labours showed the extent and urgency of the evil to be met, and the proper means of meeting it, ought never to be forgotten."

The next Report to be noticed is that of the Committee of Council on Education. Mention is made of the transfer of the certified schools to the Home Office, from whence the grants were to be in future made. A similar course was also to be adopted with the schools in Scotland certified under Dunlop's Act, which, though receiving their certificates from the Secretary of State, had their grants from the Council on Education. Attention is then called to the uncertified schools, and to the facilities which would be afforded them under the amended Act to become certified, the Committee expressing their opinion "that institutions which admit of being certified ought not to continue to receive public aid unless they are certified." Notice is then given of the determination "to admit no new schools of this class to aid from the grant for education," and of the contemplated "withdrawal of such aid from those which now receive it after the end of the current financial year. It will then," say the Committee, "be left to the managers either to conduct them

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exclusively with private means, or to obtain public allowances for them as industrial schools certified or sanctioned by the Secretary of State, and subject to all the precautions against abuse which the Legislature has prescribed."

We now pass on to notice the debate on the appointment of the Select Committee to inquire into the education of neglected and destitute children, and the proceedings and report of the Committee itself.

The necessity for such an inquiry was strongly urged by Sir Stafford Northcote, and those who supported his motion; and notwithstanding the assumed investigation by the Royal Commissioners, the Government, through Mr. Lowe, yielded to the proposal, and the Committee was appointed. Fourteen meetings were held, ten of them being occupied in taking evidence.

Before proceeding to consider their Report, a summary was given of the answers which had been received to a circular of questions sent by order of the Committee to the schools throughout the country. From this we gather the following facts :—

In sixty-nine refuges and industrial schools in different parts of England and Scotland there are about 5,900 children. Of these, 2000 are fed, clothed, and lodged, and 2,300 are wholly or partially fed and clothed ; 650 are known to have attended pay schools ; 660 are the children of out-door paupers; 450 are orphans, and 240 have only one parent; 460 had been convicted or brought before a magistrate. The united incomes of these schools were £44,000, of which £3,800 was contributed by Government, not reckoning five schools which made no return of the exact amount they had received.

The summary also gave the returns from 56 London ragged schools, out of about 160. In these 56 schools there were 12,800 children on the books, with an average attendance of 8,500. 740 were known to have been in pay schools; 400 were the children of out-door paupers; 76 had been convicted or brought before a magistrate. The joint incomes were £7,560, of which Government contributed £55 towards industrial classes in two schools. These facts, to which we must again refer, are most important in considering the conclusions at which the Committee arrived.

A draught report was submitted by the chairman, Sir Stafford Northcote, of which it is not too much to say that it contained a most accurate summary of the evidence, a clear and forcible statement of the whole question, and some suggestions and recommendations which, if adopted, would most materially have aided the efforts to prevent crime. This Report was, however, rejected as a whole, and a draught proposed by Sir James Graham was adopted after a long series of divisions, in which some amendments by the chairman and other members were adopted. The substance of this Report is as follows :—

Children who have acquired criminal or vagrant habits are to be sent to certified industrial schools ; and until the new Act has been tried, "no other provision at the expense of the State ought to be

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made for this class." "The children of out-door paupers, destitute orphans, and deserted children receiving out-door relief," ought to be educated by the guardians of the poor. This is to be secured either by a compulsory attendance at school as a condition of relief, or by the Council on Education "providing for the admission of children of out-door paupers into schools receiving Government aid." Children receiving in-door relief are provided for in district or workhouse schools. "After all these deductions," say the Committee, "there still remains a residue to be dealt with, though of its numbers the Committee have no evidence." Reference is then made to the various descriptions of schools established for the benefit of this residue, and to their claims for Government aid. Such aid, if given to schools where the children are fed and lodged, is declared to be so much relief to the poor-rate, under whatever form it may be given; and therefore the only schools to which such relief could be extended "are those ragged schools which neither feed nor clothe, and the only children requiring their aid are the residue which remain after all the above deductions." It is then stated that, though much difference of opinion prevails among the managers of the schools themselves, "the London Ragged School Union, with Lord Shaftesbury at their head, are opposed to any Government grants being made to ragged schools, believing that such grants would interfere with their religious and missionary character, and relax the interest now taken in them." It is added, that "the managers of refuges, which are likewise institutions of a religious and missionary character, take a wholly different view of the question."

After alluding to certain grants of the Council on Education, for which it is said the ragged schools are eligible, the Committee urge, that as their primary object is to reclaim and civilize a child, and as Government inspection must be chiefly based on instruction, any grants made upon that inspection would tend to divert the school from its main object. A paragraph is devoted to showing the value of infant schools; and the Committee conclude by recommending that one or other of the plans proposed for the education of out-door paupers be adopted; "and that whatever children are not reached by the Industrial Schools Act, and by the proposed measures, be left to the missionary exertions of the ragged school managers, without any further interference by the Government than exists at present." We should add that the final resolution adopting this report was carried by six to four, the Chairman, who agreed with the minority, being from his position unable to vote.

Some remarks are called for by this Report. And we would at once say without hesitation, that we consider it to be altogether at variance with the evidence on which it is professedly based. Did it not show an evident determination to sustain a foregone conclusion, we should wonder how it was possible for such a Report to be adopted after hearing the evidence. And notwithstanding that the friends of the cause are again for the time defeated, we cannot suppose that the question should be allowed to be settled by such a superficial

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report—a report proposed by one who, besides having no practical knowledge of the working of these schools, was not present, according to the printed minutes of the Committee, on any one occasion when evidence was given in their favour. We must allude to some of the facts in detail.

And first, we are told that till the new Industrial Schools' Act has been tried, no other provision for criminal or vagrant children ought to be made. This is to assume, which we altogether deny, that all the children in such schools are criminal or vagrant under the meaning of the Act. We do not ask, and have never asked, that double aid should be given for those children who are brought under this Act. What we do ask is, that aid should be given for all of this class who are being educated, whether committed or not. And if, as the Committee say, no other provision at the expense of the State ought to be made till the new Act has been tried, we may in equal fairness ask that the little aid at present given should not be withdrawn till the Act is tried. The Government have every security, by their own stringent regulations, that those who receive aid under one form shall not get it under another. Is it too much, then, for us to say, in reference to the Report of the Council on Education, of which this Select Committee's Report is an echo, "Stay your hand, do not withhold your scanty aid till it is shown by the successful working of the Act, if such is attained, that this aid is no longer needed?" When the present certified schools are full of committed children many of the other schools may follow their example. And should it then be found that ample provision is made for them, we can have no further claim as regards the criminal or the vagrant, strictly so called. But we must not be mistaken here; for however successful may be the Industrial Schools Act, we must still ask for aid, and large aid, for the uncertified schools.

And this leads us to the second class referred to in the Report, which are described as "the children of out-door paupers, destitute orphans, and deserted children, who ought to be provided for by the guardians of the poor." That they are not so provided for at the present time was abundantly shown in the evidence. Hence the Committee's suggestion of compulsory education. On this point we apprehend there would be grave objections, as, apart from the very natural dislike to anything approaching coercion in education, a serious loss would result to many a poor woman whose son or daughter was earning a few shillings, and who would be compelled to give up work and go to school, that she might receive her allowance. For it must be borne in mind that the children of out-door paupers are sent out into the world at a very tender age, and are indebted to the evening or the ragged schools for whatever education they may afterwards receive. But after all, such children form but a small proportion of the whole for whom we plead. We turn to the statistics obtained by the Committee, and find that, out of 18,700 children, only 1,070 are known as those of out-door paupers, and 600 are orphans; so that unless the guardians are prepared to

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take charge of a large number of children not at present receiving aid, the great bulk would remain to be dealt with by voluntary agency. These facts make the statement of the Committee as to the "residue" the more remarkable. They deduct a third class, those receiving in-door relief (which should not be deducted at all, as they were of course never included,) and say they have no evidence as to the residue, whereas the facts before them showed that, taking a given number of schools, only the small proportion we have named would be disposed of by their suggestions.

We come now to the difficult question how far Government aid to such schools is in reality aid in relief of the poor rate—for such the Committee declare it to be, even when given as salary to a master. And here, again, it is concluded against the evidence that all these children have claims on the Boards of Guardians, which claims are or ought to be recognised. We can only refer once more to the facts, and repeat that the great majority of such children are not at present chargeable to the poor rate. But we further dispute the assertion. Such aid given to the salary of a master in reality sets at liberty an equal sum, not of the poor rate, but of the voluntary contributions to the school. And this is precisely the case, or is supposed to be the case, with every national school receiving Government aid. This aid is in relief of the local contributions, and is intended as a stimulus to them; and when we have it on undoubted authority that it is from such a class of children as these that the ranks of crime are filled up, why should not the benevolent persons who take charge of them receive like aid for their instruction as is given to those who can better pay for it themselves? Even as a question of economy it would seem not possible that the aid should be denied. It was well shown by Mr. Tufnell, one of the inspectors of schools, that it was wiser to pay a small sum annually towards the education of these children than to be compelled to have them altogether in the workhouse schools. And on the other hand it was shown, that if all are to be forced into the certified industrial schools, we shall soon have a claim on the Exchequer that would startle even one less keen on the matter than the present Chancellor.

We must not, at this time, pursue the matter further, but conclude by quoting the words of two of our eminent statesmen who have given their voices with us on behalf of these neglected and destitute children. They are brief, but to the point. Lord John, now Earl, Russell said at Manchester, that "there was no manner in which money of the State, which was derived from all classes, could be better applied than in the support of ragged schools;" and Lord Brougham said last year at Glasgow, that "the refusal to assist in preventing pauperism and crime, by diligently educating and training the class of children from whom vagrants and criminals are bred, is perhaps one of the greatest economical, let us rather say social, mistakes ever committed."

There is one other Report presented to Parliament which we have still to notice, but this more strictly relates to the progress of the

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year; and having already exceeded the prescribed limits, a brief notice of it must suffice for our remarks under this head. The report we allude to is that of the Inspector of Reformatories in Great Britain, who now, for the fourth time, shows the progress of these institutions. It begins by calling attention once more to the diminution of juvenile crime—the number of young offenders committed to prison in England and Wales having decreased nearly 900 during the last year. A decrease of 5,500 in the older offenders is equally satisfactory as showing the perceptible effects of reformatories on the general state of the country, viewed criminally. Attention is called to certain facts which have to be borne in mind in order to give full value to these results, and the opinion is expressed that "there is little hope of effectually and thoroughly suppressing juvenile crime while some hundreds, if not thousands, of skilled and regular criminals, personally known to the police, are left at liberty to train boys in the arts of theft, and to encourage and protect them during their training, by the facilities they offer for disposing of stolen property."

Along with this diminution in juvenile crime, we have the somewhat strange fact that the number under detention in reformatories has increased nearly 500. This, however, is very easily explained, when it is shown that above one-fourth of those committed were under twelve years of age, and above one half were received on first conviction, not having been in prison before. This very prevalent custom of the magistrates is called in question, and the hope is expressed that the new Industrial Schools Act, providing, as it does, for the training of incipient but not confirmed criminals, will remove these comparatively innocent children from association with experienced young thieves, whose depredations have been systematically carried on as a chosen means of livelihood.

After dwelling at some length on the character of children now committed to reformatories, Mr. Turner says that if the three rules could but be followed out, that no boy should be committed to a reformatory on a first conviction; that every boy convicted for the second, or at least for the third, time should be committed for not less than three years; and the parent be adjudged in every case to pay some contribution, however small, he confidently believes the commitments both to prisons and reformatories would be materially lessened, and the public would reap the benefit.

The returns appended to the Report give most satisfactory evidence on the important question how far the agency of reformatories has been successful in reclaiming individual offenders. They show that of rather more than 1000 boys discharged in England, above 600 are known to be doing well; not quite 120 have been again convicted of crime; about 100 more have doubtful characters, and about 180 have passed beyond the reach of inquiry. The majority of relapses into crime have taken place among those who, on their discharge, have been returned to their friends and relatives. Such a mode of discharge practically means, in most cases, placing the child under the same influences as had before led to its depraved condition.

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The internal condition and general operations of the individual reformatories appear to be, on the whole, satisfactory. But experience leads Mr. Turner to the strong conviction that small local reformatories are greatly to be preferred to large central institutions. They possess many advantages of individual management and local interest not to be obtained in the others.

Altogether, there is much to encourage in the success of the efforts both to prevent and to cure juvenile crime; and the real source of regret, at this time, is in the unwillingness of some in authority to recognise the great and increasing value of the preventive efforts by which crime may be arrested, and the 100,000 children who form the class from which juvenile criminals spring may be trained to honest industry and educated in the fear of God.

On the Connexion of Voluntary Effort with Government Aid. *By* Mary Carpenter.

The importance of voluntary effort in reformatory action has been, from the commencement of the movement, so fully recognised by all who have taken a share in it, that it may seem unnecessary to occupy the time of this Section in the consideration of the subject of this paper. But our actual position in some departments of our work has proved that, on the one side, an unfounded fear of interference has prevented many from receiving important Government aid, connected, as it always must be, with inspection; and on the other, an extraordinary distrust of voluntary effort has arisen in the very quarters which could most easily guard against its abuse. It becomes, then, important for us to consider what is its special function in educational and reformatory institutions, and what is the true relation in which it stands in them to Government.

We are all perfectly aware that whatever we do of our own free will, throwing our heart and soul and strength into it, we accomplish far better and more effectually than what we do compulsorily. No slave under the lash, no prisoner fearing the eye of his jailor, will do the work of a free labourer stimulated only by his own spirit; no mere officials, however well paid by their superiors, will ever toil by night and by day, in season and out of season, like those who, animated by the love of God and of man, voluntarily devote their powers to their work, and are willing, if need be, to sacrifice themselves to it. Probably in no country does there exist so large an amount of this voluntary action than in our own, because in none is there so great a degree of freedom combined with reverence for law. But that this individual voluntary effort should be successful, it must be united with knowledge how best to work, power to effect what is good, and pecuniary means to provide the necessary machinery. If all these are combined in those persons who desire to accomplish any work, it is doubtless far better that they should endeavour to do so without foreign help,

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which may prove an interference; but if there is a deficiency of these, then, in order that the work may be accomplished efficiently, other aid must be supplied. Now, supposing these conditions to exist in any individual, or in persons voluntarily united in one body to carry out a particular object, what are the essential characteristics of an institution under such management? They will, having made this their own special work, desire to do it as well as they can for their own sakes, as well as from a sense of duty; they will feel an individual responsibility for its good management, not only to those who aided them with means, but to society in general. They will, of course, be obliged to employ paid officials, but a mutual and friendly relation of employer and employed will exist between them, and they will be able to infuse into these their own spirit as well as views and intentions, so that they, too, will make the work their own, and act as if volunteers in it; thus a unity of action, so essential to success, will pervade the whole. The institution, being bound by no procrustean regulations, can be adapted to meet the varied wants and emergencies which may arise, and a constant spirit of improvement will exist in it. Far higher advantages remain. A most valuable relation is established between those who then give their time, their labour, and their means, and those who receive benefits of the most important nature. The receipt of alms, or maintenance at the public cost, is degrading to the nature, and never inspires gratitude, but is received with insolent dependence, or even with arrogant assumption, as a right. But unpurchased efforts, and self-sacrifice for the good of our fellow-creatures, are more calculated than anything else, if judiciously directed, to awaken and strengthen the better parts of our nature, and to make it even doubtful which is the most blessed, to give or to receive.

No institutions can illustrate these positions better than the Rauhe Haus of Hamburg or the Reformatory at Mettray, both springing from little seeds sown by the devoted Wichern and De Metz, and their associates; both gradually unfolding and constantly progressing, until now in each there is a large band of faithful workmen, animated by the same spirit as the founders; while the permanent tone of feeling and conduct among the inmates is such as to produce the most important influence on their future lives.

There is besides a deeper and even more important element in voluntary and benevolent effort, which, from its very nature, cannot be absolutely defined, and which, if genuine, shrinks from observation, yet it must be here mentioned—the religious element. This is not an inculcation of creeds, or even the communication of religious truth; these may, of course, be intrusted to an official paid to give routine instruction in them. But we mean that awakening of the religious principle within, which is effected through Divine grace, by the spiritual action of one soul upon another; that Divine sympathy which, viewing in every human being, however mean or low to outward view, however young or however old, an immortal soul, and a child of the same Father, will be ready, following in the steps

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of the Saviour, to feel his weakness and bear his burden, and to draw him towards holiness "with the cords of a man." This is the true voluntary element; this is the water which can be obtained only "without money and without price," and is the best restorative to those who are thirsting for the waters of life. Now, we would by no means be supposed to say that this voluntary and essentially religious element cannot co-exist with an official position. We rejoice to know that it can, and frequently does so; seldom have we met with a more striking instance of daily self-sacrifice than in the late Rev. John Clay, who, as prison chaplain, gave to his work an amount of devoted labour, with warm sympathy and spiritual help, which eventually exhausted his physical frame, and the full records of which only the last day can reveal. Truly, as his son has beautifully said in the dedication of his father's memoirs to Mr. Recorder Hill, "He spent and lost his life in the holy war against sin and ignorance." Many such might here be cited who have thus, in an official position, given priceless work. But such work is still voluntary, and cannot be purchased by money or commanded by power.

It is evident that all which has been stated to be the peculiar characteristic of institutions under voluntary management will be exactly reversed in those which are strictly and solely Governmental. There must be purely official management, usually vested in persons who have no practical or personal concern in the working of the institution, and who therefore will be neither able nor willing to study or follow the results of experience. There can be no true bond of Christian sympathy existing between the recipients and administrators of the public charity, it may be, or of the law; and nothing beyond an official attention to duty can be expected from those who fill the executive department.

How, then, is it possible for Government to avail itself of so different an element without destroying its very essence? How work in conjunction with it, without altogether undermining its peculiar power?

With this fear evidently existing, at any rate in a latent state, in the minds both of the people and the Government, the attempt was first very cautiously made in 1832, twenty-nine years ago, to give some aid to those who were voluntarily carrying on the education of the country.*

The principle upon which it worked, and upon which it still professes to work, is excellent—viz., "to aid voluntary local exertions,—under certain conditions, to establish or maintain schools for children belonging to the classes who support themselves by manual labour." The aid thus given was chiefly with a view to provide a good teaching power, thus throwing superior knowledge into the schools, and largely aiding the pecuniary means by helping to provide a teaching staff. The Government fixed the conditions on which the aid should

* This was written before the publication of the new Minute of the Committee of Council on Education.

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be given to promote the object intended, and exercised an inspection which was not intended to be interference, and which very rarely has been so. This system worked well, and gave an immense educational stimulus to the country; for though a large number of schools declined aid, fearing unnecessarily that their free efforts would be interfered with, or possessing sufficient pecuniary means to carry themselves on without aid, yet they emulated the improvement of the other schools, and thus a double benefit was conferred. The greatest proof of the stimulus which has been given is seen in the fact, that, excellent as are many of the schools thus aided by Government, equally good or even superior ones may be found in the same district, unaided. The point has thus been gained by the schools for the independent poor, as they have been called, that they can now be good without help. It is a most strange anomaly, with such professed principles, that the very class of the population which most needs help, and which indeed cannot receive education without it, remains untouched,—that the greatest amount of "voluntary local effort" remains comparatively unaided. It is incomprehensible why guarantees should be asked for, that these "free day schools" for the neglected and destitute should be scrupulously confined to the class intended, as if benevolent people could have any motive for unnecessarily spending their money, while no guarantee is required that persons above the necessity of earning their living by manual labour do not avail themselves of Government help, as we know that they often do, because these schools are really better than private ones. The Education Commissioners open their Report with the statement:—"It is only within comparatively modern times that the importance of providing elementary instruction for all classes of the population has been recognised." Strange is it that they do not recognise it themselves, but leave this class almost unregarded. This arises greatly from the fear expressed by the leaders of the London Ragged School Union, that the religious element, of which they so truly recognise the importance, should be interfered with in the pay schools. The experience of fifteen years, during which I have been working in a ragged school, which has received from the first a small Government grant, has proved to me that individual personal influence is in no way interfered with by Government inspection. Never has there been the slightest interference with my own teaching; nor have I found the children the least less grateful for the kindness they received because part of the support of the school has been derived from the State. The same has been even more strikingly the case in connexion with the reformatory of which I have the management; in this school the children are made aware that the expense of their food and maintenance is not borne by individual or private benevolence—that they are, in fact, indebted to the public funds for it. This inspires them with no gratitude; yet they show full appreciation of kindness bestowed on them, and not only they, but their parents, warmly express their thankfulness for it. Never have I felt my perfect freedom, both of action and of teaching, un-

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duly shackled by the relation in which I stand to the Government, but, on the contrary, I have felt it a great help, independent of pecuniary aid. Practically, then, it would not, or need not, be injurious in assisting ragged schools. On the other hand, the Government should adapt its requirement to the actual wants of the class for whom these schools are intended. Large voluntary effort is ready for the work, but the actual teaching power is deficient through the inadequacy of means. Hence the schools are crippled in efficacy and insufficient in number. Let, then, proper aid and inspection be given and an effect will be produced on the country of even more than that which has been effected by the British and national schools; they act on a portion of the population desiring education, and raised above the pauper and criminal classes; but the ragged or free day schools descend still lower, and raise those to their true position who otherwise are likely to be a drag on society as paupers and criminals, as well as themselves degraded.

It is in the reformatory schools that the difficult problem of the combined action of voluntary effort and Government aid has been most completely solved. The promoters of this movement (among whom some of the foremost, our lamented friends, John Clay, Joseph Sturge, Joseph Adshead, and others, have gone from us to another sphere,) were strongly convinced, and forcibly urged on the Government, that for reformatory schools to be successful, they must be entirely based on voluntary action; that Government reformatories must be a failure, for that the wants of a child's nature require that which voluntary benevolence, or rather Christian love, alone can supply; such children require a certain freedom which cannot be conceded by purely official control, and which must be watched and guarded by the right kind of moral influence; such influence has been proved (we speak from no theoretical notions) to be far more effective than any mere prison regulations. The loving influence must be united with the strictest discipline, and the varied faculties and powers of the child's nature must be educated and trained with the most watchful care, so as to prepare him to be an independent moral agent, not a well-made machine. Though the reformatory managers, all free-workers, have had to contend with great difficulties, arising chiefly from their own inexperience in a new work, yet after only seven years from the passing of the Reformatory Act, the results have been such that, judging chiefly from the reports of the inspector, and the absolute facts which he states, the Education Commissioners say, "Upon the whole, none of the institutions connected with education appear to be in a more satisfactory condition than the reformatories. We have no recommendation to make respecting them, as apart from the excellent manner in which they appear to be working; their establishment is still so recent that the time for such alterations as may be required has not yet arrived." Now, the essence of this whole system is, that the schools are left absolutely under voluntary management, having, in fact, been established by voluntary benevolence. The State, acting *in loco parentis*, as well

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as to secure a proper employment of the public money, examines, by means of an inspector, the nature and regulations of the school, and does not allow its children to be sent to them until they are certified as satisfactory. Then, as a father would pay for his child at a school, the Secretary of State pays for the maintenance of each child a fixed weekly sum, leaving any additional outlay to be provided for by voluntary effort. There is no interference on the part of the Government in the expenditure of this money or in the management of the school, but the visits of the inspector, made whenever he thinks fit, and the information he receives from the managers in various returns, satisfies the Government that the schools are carrying out the object intended. If not, the certificate is withdrawn. The experience of seven years has not, we believe, given either the voluntary workers or the Government reason to complain of this united action.

Why, then, should not the combination of two essential elements be united in favour of another class of children, no less entitled to protection and proper care at the hands of the State than young criminals—viz., our pauper children? Their helpless condition is not their fault. They are separated from their natural guardians, their parents, who are not able to take care of them, and are thus in the same position as children legally separated from them. "By the act of separating the child from those protectors," the Education Commissioners most truly say, (Report, p. 403,) "the State puts itself in the place of a parent, and assumes parental obligations. Children, therefore, who stand in this position have a distinct moral right to proper education and superintendence at the hands of the State," &c. The very reverse of all that has been stated as the essential of a reformatory and suitable training for children is generally found in workhouse schools. The evidence of Government inspectors and others, though very varied in other respects, all agrees in the most forcible statements of the degrading nature of ordinary workhouse training, which leaves the unfortunate child quite unfit to cope with the difficulties of life. The common voice of the people proclaims it. While the inmates of orphan asylums, and even reformatory schools, are regarded with tenderness and compassion, the workhouse boy or girl is looked upon with contempt and suspicion, and a stamp of degradation is impressed on him—an incubus which he can never shake off. There are, of course, honourable exceptions, and there are, doubtless, many persons of noble character and benevolent spirit among guardians; but even they have not the power to interfere. It is impossible, under existing management, that the schools, even if separated from workhouses, can be freed from what Sir J. Walsh truly calls "the debilitating influence of workhouse associations," "the stagnant dulness of workhouse education." The schools are at present under the management of a board of guardians, whose very duties, in the control of finances, must inspire as pirit perfectly adverse to the true education of children. "There is not anything," says the late

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inspector, Mr. Jelinger Symons, "in the functions or object of poor law administration in the slightest degree germane to education or to the moral training of children. The very principle which in the one case (that of adult paupers) suggests the economy of relief, requires in the other liberal benevolence, generous sympathy, and the kindliest reformatory appliances. I do not scruple, therefore, to say that the placing of pauper children under the local management of a board constituted quite differently is one of the main necessities of the case." The entrusting the care and education of pauper children, or, I would rather say, the children of paupers, to a school committee, chosen, as in the case of reformatories, from those who voluntarily give themselves to the work, and thus infusing into the schools that spiritual element on which we have laid so much stress, would be the means, I believe, of making the next generation very different from the present. The board of guardians should then pay for each child a fixed weekly sum, as the Secretary of State does at reformatories, and, of course, there should be satisfactory inspection, not interference. These are brief remarks and suggestions respecting a gigantic evil; they may lead to a more complete consideration of the subject.

I cannot conclude without alluding, however briefly, to one of the most remarkable, complete, and successful illustrations of the power of voluntary individual action that has occurred in our times, the more remarkable because it has been displayed under circumstances which usually prevent its action—the jail. It is the glory of this our sister isle, that here that most difficult problem has been solved, the punishment and, at the same time, the reformation of the convict. Here there has been the most complete combination of what is good in various prison systems, forming one complete perfect whole, and uniting with the power of Government machinery the peculiar elements of voluntary management. But, above all, into this system so admirably conceived and executed by Captain Crofton, there has been infused by the admirable directors that sympathizing and religious element which produces strong individual influence, combined with a principle of unswerving justice. Success, astonishing perhaps even to themselves, has followed their efforts. The truth of their principle has been demonstrated, and Captain Crofton has achieved a work which will be a blessing, not only to his own country, but to the remote parts of the world. May his labours long be continued, and may the Government of our country give him every encouragement in it. He cannot be spared from his work as long as Providence shall give him strength to labour; then may he have inspired his spirit into many others, who will carry it on after him.

In every department of our work, then, may faith in humanity, and in the Divine Spirit, rouse more and more the voluntary workers of our country, to devote themselves for the weak and erring, to seek and to save the lost, following in their Master's steps; and may our Government thus working with them, with true wisdom, achieve the highest result, the real elevation of the country.

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On the Rise and Progress of Reformatory Schools in England. By ALEXANDER FALCONER, *Governor, Protestant Reformatory, Malone, Belfast, Ireland.*

WITHIN these few years reformatory schools have become one of the leading facts of our social polity, just as the reformatory movement has become one of the great themes of national interest. Yet very little is generally known concerning the beginnings and early growth of these schools; and as this should not be, as it is only wise to have a correct acquaintance with facts as well as with principles—with facts which illustrate the development and show the results of the principles—I have ventured to attempt to supply a want in the literature of the movement.

In speaking of reformatory schools I only mean such as were or are conducted on the family system—*i. e.*, domestic organization, combined with industrial, and chiefly agricultural employment,—and which is the only system that fully embodies the true principles of juvenile reformatory treatment.

To the founders of the Philanthropic Society is due the honour of having anticipated, seventy years ago, the family system. These men seem to have had clearer notions about the prevention of crime than most men of their day; for whilst the great minds of Europe were generally looking to mere political schemes for social regeneration, and the people of France were in a ferment with the wild speculations of Rousseau and others, the true panacea for our worst social maladies was being tried by them in an humble way in London. They had been struck by the increasing number of depraved and vagrant children infesting the metropolis and its neighbouring districts, living and trained to live by begging and dishonesty;* and beginning with a single child they gradually increased their numbers and accommodation, until, in the second year of the existence of the Society, the institution had quite an organized form. In its mode of working it was a miniature Mettray; indeed, one reads the Reports of 1788 and 1789 and almost doubts the correctness of the date, so like are the views there expressed and the school discipline described to what exists in our best reformatory schools in the present day. Hiring two or three cottages in what was then the village of Hackney, the Society distributed the children whom they took under their care into little families of twelve, in each of these humble dwellings, placing at the head of them, as teacher and superintendent, a gardener, a tailor, and a shoemaker, with their wives; seeking in this way to realize to the poor youthful objects of their charity the happiness and the benefits of a home.† "Agriculture," says the Report of 1789, "is the grand source to which the Society looks for employment for their wards—agriculture means natural labour, and the primary spring of health

* Report of Philanthropic Farm School, Redhill, 1850.
† Ibid. 1856.

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and happiness. . . . The design is to approach as nearly as possible to common life, and as the wards are forming for the humble station of labourers, it is thought an important care not to accustom them to conveniences and indulgences of which afterwards they might severely feel the want." Such was the plan, and such the ideas, at starting; and yet these plans, if not the ideas, were abandoned before a third year had passed, and that too for economical reasons, it was said. The Society did not imagine when they changed these plans that they had let go the clue to a great discovery in social reform; and the system which they adopted no doubt appeared to them as good, and possibly better, as a whole, than that which they had abandoned. A new idea had been enunciated, and possibly it might bear fruit. In their institution in St. George's-in-the-Fields a good and useful work was begun, and was zealously carried on; the children of transported criminals and destitute children were received into a home. It was essentially a refuge, like some one or two other institutions in several of our great cities.

After this there follows a long period of inaction, the public mind being absorbed with the wonderful political phenomena of these times. Philanthropy, in the life and labours of the immortal Howard, had just dawned upon the world, and the story of prison life as it then existed was still ringing in the ears of Europe. It was clear that some mighty wrongs were festering in the midst of society all unheeded; yet only so long as the echo of Howard's footfall was heard—and no longer—was the condition of the criminal given heed to. This indifference to the true causes of a nation's decay, and to the perennial sources of a nation's glory might have lasted longer: for these evils, however, the terrific scenes of the French Revolution proved a sharp remedy. And the lesson was needed. Our periwigged great grandfathers had had no notion of their duty in these matters of social well-being. It had never entered their hearts to conceive what was their duty to the poor. And so one generation went and another came, but with little change to the better. Then came the great war to occupy the attention and perplex the minds of the people. Yet this period was not wholly given to military things. There were some who began to exhibit their Christian love for our town and rural populations in new forms, whose minds were busy about home questions, and whose eyes were set on home scenes. And what saw they? In most districts they found an amount of ignorance and degradation not to be imagined; and in all our large towns they saw a vast multitude of men and women and children, grown and growing up, in open, defiant vice and wrong doing, for whom none cared; who were a separate class; who for many generations had been so; whose homes were dens of unspeakable misery and wickedness—training schools of crime for their own and other's children, who lived solely to cheat and rob, who looked forward to the jail without fear, and to the gallows with hardly a shudder. Their lives began and ended with crime. As one was hung or banished, another filled up his place. The son

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succeeded the father and multiplied the evil. The jail itself was but a resting-place for the thief to devise new robberies. And so had it been for many long years: ignorance and crime, gross wickedness and woe, had rooted themselves firm and deep in English soil, and had grown up intertwined in one gigantic Upas tree, whose hateful breath was killing thousands of souls every year.

Meanwhile a little good was being done, though very quietly, at Stretton-on-Dunsmore, Warwickshire, where, in 1818, a small school was started for the reformation of criminal boys. These were chiefly from Birmingham, and were mostly occupied in shoemaking, doing a very little in field work. The Rev. Townsend Powell gave it his best energies. It never attracted any notice, however—it received little sympathy and less support from neighbouring communities; yet, in spite of great difficulties, it continued its blessed work till 1853. In that year its manager rested from his earthly labours, and from that and other causes, chiefly pecuniary, the school ceased to be.

This brings us to the year 1830. There had been as yet but two experiments made which had expressed, or had attempted to express, the true principle of juvenile reform; in this year a third experiment was made. At West Ham Abbey, near Bow, in Essex, a school was opened. Proving successful, and that its operations might be extended, in 1833 it was removed to Hackney Wick, where, under the name of the Brenton Juvenile Asylum, it continued seven years. Unquestionably this was the first reformatory school in England where those ideas respecting the training, employment, and future disposal in life of the vagrant and the criminal, which have always been found the truest, had their first successful development. Unquestionably, too, its founder, Capt. E. C. Brenton, was the first man in England who shed clear light on the dark problem of juvenile crime, and showed how to deal successfully with its victims. It might be too much to say that he was the first to solve the riddle of juvenile delinquency; it may be safely asserted though, that no man before his time did so much for, and had such singularly clear and practical views on, that subject and its remedy. No child, he said, under sixteen years should be committed to the common prisons of the land, but should be educated and trained and taught to labour instead,—educated and trained chiefly by the Bible, and taught to labour chiefly with the spade. When duly trained, emigration to some of the colonies was necessary, so that the work of reformation which was begun might be sustained and carried on away from all associations and temptations likely to hinder its progress. Character and conduct should be most appreciated; and the whole tendency of a boy's training should be such as would fit him for battling his way in the world, that world being such as is found in the colonies, or navy, or army. Religious training, agricultural employment, and emigration, were the leading ideas of Brenton's plan.

These views he brought before Parliament, before the King, and

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before the public. They all gave little heed to him, and Captain Brenton, like most other reformers, had to fall back on his own brave heart and God. With the help of a few friends he began his enterprise, as already stated, in 1830, where he quietly gave the lie to the public sneers. Ere long, too, aid from without came to him. The Hon. Miss Murray heard of the scheme, and, sympathising with it, brought to the work a grand energy, and the support of numerous wealthy and aristocratic friends. So warmly did she enter into the work that, in 1834, she established a girls' reformatory at Chiswick, under the name of the Victoria Asylum—the first institution, it is worthy of note, to which the Princess Victoria gave her name. These institutions were conducted on the same principle, and differed very distinctly from any preceding ones. No children were admitted to them above fourteen years of age, and two years of "training," or "rustication" as Brenton called it, was thought time enough to fit them for the outer world. It was not meant to reform them as we would now say, but simply to begin the good work, leaving it to be carried on and completed after they had emigrated. The discipline was on the "moral suasion" principle: no corporal punishment was allowed; solitary confinement, loss of privilege, and the like, were the punishments inflicted. Six hours a day were spent in work, the rest of the time in school and recreation.

The emigration part of the scheme was one of its chiefest excellencies, and the most conclusive proof of that "grand energy" already spoken of, as well as of the earnestness of all concerned in its practical workings. In most of the colonies committees had been formed of the chief persons of the place, who were to provide situations for the children sent out, and were to see to their welfare afterwards—not unlike the corresponding members which Mettray has throughout France. The Cape of Good Hope was the colony most preferred; there the scheme met with much success. There the children were legally apprenticed out on the terms that the master should provide all necessary food and clothing and education, and should pay a weekly sum, part of which should defray emigration expenses, part should be pocket money, and part should be lodged in the savings' bank, that at the expiry of his term the lad might start in life with some pounds in his pocket.* The residents at the Cape thought highly of the plan; the Colonial Department approved of it so far as to cover part of the expenses of the first emigration, and to allow the Cape Government to pass special laws to suit the system of apprenticeship. By the end of its sixth year, the Children's Friend Society had sent abroad on this system upwards of seven hundred children, and had received into their two institutions altogether upwards of twelve hundred. The public now began to

* I am not aware if the plan adopted by the Children's Aid Society, and the Juvenile Asylum, New York, is or is not an avowed adoption of Brenton's plan as here detailed. At first sight one would certainly conclude it to be a thorough-going adoption of it on a vaster scale; but whether or not, the chief features of both systems are identical.

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take some interest in the scheme, the press was warmly in its favour, and the Government was looking on with deliberation. It was hoped that the Society had passed its crisis, and that all would now go on extending and improving. So satisfactorily had it shown what could be done for the reformation of the degraded, that it seemed probable that the system would be adopted by the Government. The good conduct of the children sent from England, and the few relapses, demonstrated to all that the scheme was practicable. But when everything promised great success, evil tongues became busy, and it was reported that the children were grossly ill-used at the Cape, and were being sold as slaves to the Dutch boers. The press, without allowing time for inquiry into these charges, all at once fell foul of the Society, and dealt out its fierce invective against those who, under the sacred name of charity, kidnapped English children. Worst of all, just at this very time, April, 1839, Captain Brenton suddenly died.

A check was thus at once given to the Society which it never recovered. One or two indomitable spirits had all along borne the burden and heat of the day, and though many were willing to help, none were anxious to lead. Great was the outcry made against the Society, party spirit and opinion betrayed its hate against the system in its slander of individuals, public feeling became strong against it, and a Bill which Lord John Russell had consented to bring into Parliament for the establishment of schools, like Brenton's was, of course, put into the fire. In a short time the whole plan was broken up.

Thus a scheme auguring much success, which was entirely original, which embodied truer principles than any preceding scheme, was beaten down chiefly by the strong hand of calumny. The names of its founders, too—Captain Brenton and the Hon. Miss Murray—were for a time spoken of with bitterness of feeling. Time, however, with its unerring impartiality, set matters right, and showed that the charges against the Society had no foundation in fact. It showed, too—and more clearly now than then—that these names, once held in such disrepute, are of those illustrious ones who have been in advance of their age, and faithful to the high behests of truth and mercy, in spite of scorn and contumely. The truthful historian, too, will award them the honour of being "the originators, in our country at least, of the reformatory movement." *

For the next eight years no movement in this cause was anywhere made. An attempt was indeed made in London, in 1843, to revive some of Brenton's ideas in the founding of a large industrial home for poor children, but nothing came of it; the nation was not quite aware yet of its danger and of the perils looming ahead. It was otherwise on the Continent; there the Rauhe Haus, near Hamburgh, and the schools at Mettray were bidding fair to be splendid successes, and many in England were eagerly watching the

* T. B. L. Baker, Esq., Hardwicke Court; to whom I am under very great obligations for the invaluable aid he has given me in this part of my essay.

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development of the system of the last-named school. One of the chief of these was the Rev. Sydney Turner, chaplain superintendent of the Philanthropic, St. George's-in-the-Fields. This institution's usefulness had been much extended by several alterations of his, which had indicated clear, sagacious insight into the causes and the cure of crime. For nearly half a century it had been little more than a private charity, which it must cease to be, its superintendent saw, if it would thoroughly fulfil its purpose. Accordingly, about this time, 1847, it restricted its care to boys who had been charged with, or convicted of crime, and opened its doors to a large number from Millbank, Parkhurst, and similar penal prisons. The sagacity which had prompted and carried out these changes suggested further reforms: and the wants, many and serious, which the Philanthropic still had, seemed likely to be fully met in the system adopted at Mettray. Moreover, the adoption of such a system would only be carrying out on a large scale the first plans of the Society. Happily, the system was approved of; a large farm was leased, several miles south of London; the old establishment was broken up gradually; and in 1850, the family system, as adapted to English habits, was adopted as the system of the largest school in England for juvenile offenders. The anticipated success, too, was more than realized; for although in 1848 it could be said, "There is good reason to believe that not more than one in every ten of those received into the institution have relapsed into criminal habits," yet, in 1850, this could be said of the working of the new system: "The steadiness and industrial exertions have been greater, the faults and offences committed have been much fewer and of lighter kind, than during any corresponding period of the Society's operations on its former system of sedentary employment and restriction within walls and gates." It had thus been the honourable lot of the Philanthropic Society both to anticipate with a remarkable prescience, and to succeed completely in carrying out, that system of reformatory discipline which may be said to be the true solution of the problem of juvenile delinquency, and to produce the model in which was exemplified the system of superintendence, religious discipline, and industrial training, that must be had recourse to if we would not merely shield the young offender from temptation, but would arm him to resist and to act in after life as a good soldier in the Divine Master's service.

We now enter upon a new decade in British philanthropy. The establishment of Redhill was indeed the beginning of a new state of things, and it encouraged many in their long-cherished hopes about juvenile crime. But there were still many difficulties in the way. By whom such schools were to be conducted was one of the chief of these. If the traditions of our prisons were to be believed they would not be easy of management. Philosophy was profoundly at fault in the matter; experience alone could make matters clear. Then it must be an individual work, and undertaken at individual risk, as Government had not yet moved in the matter,

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and the great body of the people were utterly indifferent. Courage of heart, singleness of purpose, and faith in the enterprise, therefore, were all needed in any one who would brave the obstacles sure to be encountered. Nor, happily, were men and women of this sort awanting. One who had known Captain Brenton well—Mr. Baker, of Hardwicke Court—had longed to see Brenton's plan carried out, but had longed in vain; had spoken often about the subject to his friends, and they had as often forgotten it. One of them, though, did not think the scheme altogether Quixotic, and he offered to join Mr. Baker in starting such a school, and to devote his whole energies to the work. That man was Mr. G. H. Bengough. He knew nothing from previous experience of such work, and only a little about Brenton's plans and principles, as explained by his friend, but he had the first qualifications of a successful worker. Accordingly, a very plain little cottage was built on Mr. Baker's land, and a start was effected, March 24th, 1852; thus giving to Gloucester the honour of being the first county in England to set up a county reformatory school. It was managed as nearly as possible on Brenton's plan, only a few hints being taken from Redhill. Its success far exceeded expectations, and its ease of management all anticipation, which, under God, was chiefly due to Mr. G. H. Bengough, who for the first two years gave it all his strength, and much pecuniary aid as well. Nor was this all Mr. Bengough did for the cause; he helped by counsel and labour to organize the Devon, the Hants, and the Kingswood Reformatories.

The hour of prosperity had now come. In this same year, 1852, several other schools were opened—Kingswood, by Miss Carpenter; Stoke Farm, near Bromsgrove, by the late Joseph Sturge; and Saltley, near Birmingham, by Mr. Adderley. All hindrances, however, had not yet disappeared. The scepticism which had so long prevailed as to the practicability of reformatory schools, and the cavils which had everywhere met their advocates, had now indeed been answered. Was Government, then, still to stand aloof? It was clearly wrong that a public national good should be entirely supported by private charity; it was as clearly needful that legal power should be granted to enforce detention of children in the schools. However, tardy as the Government had been, it came to the rescue at last; and in August, 1854, a Bill known as Lord Palmerston's Act was passed, legalising the establishment of reformatory schools, by granting to their managers various and sufficient powers. This measure gave general satisfaction; the way was now an open one, and the patient and arduous labourers in the cause were now to see the reward of their toils.

Since that time reformatory schools have started up all over our land, and have become one of the recognised means of our social improvement. By the end of 1856, thirty-four of them were in operation, presenting the spectacle of many hundreds of young criminals fed, clothed, and taught at the public expense. By the end of 1857, eleven more had been added; and now, in 1860, the

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whole number in Great Britain is fifty-nine: in Ireland there are nine, making in all sixty-eight. It will be seen by the dates in this summary, that the reformatory school movement has gone on in a course of gradual but steady development; and few movements have been characterized by a greater mixture of earnestness of purpose on the one hand, and practical good sense and discretion on the other.* And though the narrative of its history may be barren of stirring episodes, and all that moves the imagination, yet, I think, it will be like to one of those numberless chapters of human history, which, as we cast our eye over the names and deeds recorded there, gives rise to the affecting and profoundly true reflection that "the world knows nothing of its greatest men."†

In these paragraphs I have not ventured a word of criticism upon the modes of discipline existing in the schools there named; nor do I mean to venture: yet, in closing, permit a word or two on this special point. I do not come here to deny the "associative system" nor to speak of the philosophy of the family system, and yet I fear there is much ignorance abroad on both subjects. How far may the family system be adopted, I take to be the point in connexion with reformatory treatment most needing elucidation. And yet not much might be needed, if men would only look at facts as they are, with unprejudiced and candid minds. It is a fact that in proportion as this principle has been adopted in any school, so, under God, has success attended that school's operations. It is a fact, too, that the older system is now recommended by no one,—that on the Continent it has hardly any place, that in most of the American Institutions it has utterly failed, and that in several of the States the newer system has been tried, and, as yet, has given satisfaction. These facts, joined to the weight of official opinion which exists in its favour, and which wholly disapproves of the other system, deserves the serious consideration of all who are engaged in reformatory work. Now, singularly enough, our larger reformatory schools are not conducted on this principle, nor do they, I suppose, attempt its practice. These schools are the Boys' House of Refuge, Glasgow, and the Roman Catholic reformatories—just the schools, their responsibilities being so great, where one would have expected to have seen it most cultivated. I am no theorist, but speak from practical experience, having seen enough of the workings of the old system—the associative—to make me a thorough advocate of the other, the family system; and I have been able, as manager of the Malone Protestant Reformatory, to adopt the system in its more primitive forms, and with the best results. There still exists too much of the old feeling that juvenile offenders to be reformed must be coerced—still too few who have the faith and courage and wisdom to attempt to manage these schools on the model which God himself has given us. To all such, the candid consideration of the history of the reformatory movement

* Reports on Reformatory Schools, 1858, 1860.
† Henry Taylor's "Philip van Artevelde."

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in its home and continental developments will furnish lessons rich in instruction, and illustrations of the superiority of the family system over all others.

Home Influences on the Children of the Dangerous Classes. *By* JOHN R. FOWLER, *London.*

THOSE who have at heart the elevation of the masses of the people of this country, and who have seriously set themselves to work to stem the torrent of degradation which seems to flow so strong and foul in the thickly-populated districts of the great towns, find so many difficulties to contend with, that even the stoutest heart and most sanguine temperament are often ready to sink into despair.

Such persons, when they visit in the courts and lanes, see so much of reckless improvidence, open vice, and daring crime, that, were it not for the sustaining power of a high and holy aim, they would soon be tempted to give up the thankless office they have assumed.

The insight into the condition of the lower classes thus acquired often leads to the conclusion, that nothing can be done for their benefit while the circumstances of their dwellings and mode of living remain the same.

Some such considerations appear to have led Dr. Guthrie, of Edinburgh, to turn his more particular attention to the education of the young, and, comparatively, to abandon the task of endeavouring to reclaim the adults of his district.

In a recent speech he is reported to have said, after describing the condition of the people of his parish when he entered on its duties, "I began to consider what was to be done,—I saw it was a hopeless thing to try to move the adults. The Bible tells us so. I despair of nothing where God's grace is given; but God gives His grace in the use of means such as common sense and experience suggest; and the Bible says, 'Can the Ethiopian change his skin, or the leopard his spots? then, he that hath been accustomed to do evil may learn to do well.' On the one hand, the Bible says that, and on the other it tells us, 'Train up a child in the way he should go, and when he is old he will not depart from it.' I resolved, then, to turn my attention to the rising generation, for I saw that if the character of the population was to be changed, it could only be done in that way." Many, with a commendable humility, reason with themselves what would have been their own lot, both morally and physically, had Providence placed them in infancy amidst such scenes to contract so fearful and precocious a familiarity with vice and crime as there appears inevitable.

Such an experience has led even Lord Shaftesbury to declare, that it is vain to hope for any large or permanent effects from the various agencies at work for the good of the people until the homes of the poor are improved, and decency and self-respect made possible. What lasting impression, it is said, can be made by the exhortations

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of the clergy or the instruction of the ragged school teacher during the short hours when the child is under their training, when the whole life at home is a practical undoing of what has been attempted by these benevolent agencies? Consequently, there results a well-meaning anxiety to withdraw or rescue, as it is called, as many children as possible from the associations and ties around them, and to provide for them in the various homes, asylums, and refuges.

Now, while admitting how natural and forcible, in many cases, these reasonings are, it cannot but be seen that, if carried to their full conclusion, in the one case the effect would be, to a great extent, to delay the action of benevolent persons until the dwellings of the poor shall have been improved; and in the other case, to limit the number of cases brought under preventive and reformatory training to the small number which can be received into the institutions already mentioned.

The writer is not insensible to the difficulties which arise in practically working out the principles which he would enforce; but without underrating or superseding other departments of labour, he is strongly of opinion that if any large number of the juvenile dangerous classes are to be beneficially dealt with, it must be by acting with and through their parents.

It should be distinctly stated that these and the following remarks refer almost exclusively to preventive rather than reformatory work —to the mode of dealing with the numbers of children who may be on the verge of crime, and who are pursuing a course which will, at all events, unfit them for anything like a regular or respectable occupation in life. In the reformatory system, separation from parents may be considered absolutely necessary. Violent diseases require violent remedies. The career of crime which has been just begun, and which it is by this means sought to check, is probably directly attributable to the bad example at home and the degrading associations which surround it. But where the effects of poverty rather than of crime are to be palliated and averted, and misfortune more than faults to be remedied, the case is widely different; even in the instance of dissipation and improvidence on the part of the parents, which is by far the most frequently met with, the difficulties of co-operating with them may be aggravated, but the advantages to be gained are not diminished.

Again, in the reformatory system, separation from criminal associates is often even a more urgent reason for assuming the complete charge of the child, the parents, in this case, being ready to express their inability to keep their own children out of harm's way. But this is the exception rather than the rule; and in a majority of cases where the children are at large, parents can place a more effectual restraint over their companionship than the teacher can possibly do. However this may be, it is desirable in dealing with existing evils to search for and devise as many counteracting agencies as zeal combined with prudence can suggest.

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In great cities, multitudes of girls and boys are at an early age sent forth to pick up a precarious living as best they may in the streets. Crossing-sweeping, selling violets, fusees, and fruit, tumbling for halfpence before omnibuses, or holding horses, and opening cab doors, are so many forms of livelihood but little removed from vagrancy and begging, and dangerous to the children engaged in them, both inasmuch as at a critical period of life they are withdrawn from obtaining any proper education, and are more or less confirmed in the taste for such an Arab life and rendered unfit for regular and respectable employment. Experience teaches that the almost inevitable result of such an uncontrolled street life is the perpetuation of pauperism and crime, with the ultimate prospect to those who are engaged in it of either the workhouse or the jail.

It is true that many, especially in the case of boys, grow weary of being in the streets; but then, in consequence of their habits and training, they are generally only suited for enlistment in the army or navy. It must not, however, be overlooked that the provisions of the amended Industrial Schools Act of the last Session will probably operate beneficially in respect to the class in question. Hitherto the magistrates of London and the police have practically declined to put in force the former measures of a similar kind, but it is confidently expected that now that a more definite interpretation of vagrancy has been added, the experiment of the working of the amended Act will be tried. This will have the effect of withdrawing many children from their dangerous mode of living—dangerous both as respects their own condition and as relates to the security of the public. A certain number will be sentenced to detention in the certified schools and a larger number will be deterred from pursuing the same career. But we must not expect that the streets will be cleared by these means alone. Careless and dissipated parents will still disregard the value of education and be indifferent to the peril their children run of being convicted and sentenced to detention. The earnings of the children generally represent so much selfish gratification on the part of the parents, and the money value received in exchange for the consequent destruction of their real welfare will be too strong a temptation to be resisted. Besides, a large proportion of these reckless parents are only too ready to be relieved of the natural obligation and the responsibility of bringing up their own children; and though the Legislature has insisted on the wise provision of requiring payment from the parents for children under detention, we may reasonably expect that they will foolishly hope to evade the performance of even this small part of their duties and responsibilities.

Further, it cannot always be advisable or even proper to take such children completely out of the circumstances and condition in which they have been born, but rather to contrive means by which they may be furnished with an honest living, by which their characters may be strengthened, and by which they may be enabled to do their duty in that state of life in which it has pleased God to place them.

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The child removed to a carefully-managed institution is like a plant reared in a conservatory, unfitted to stand the storms or bear the frosts of winter. High walls and watchful care may protect the children from much evil from without, while they are inmates of the institution, and the discipline and system may keep in check the errors of their dispositions, (and it would be wrong to undervalue the effects of training, or the happy results of kindly and religious culture while thus under their influence,) but on their exit into the world to fight the battle of life for themselves, the very precautions which have been taken for their good in the institution may increase the difficulties which they have to encounter, and diminish their power of successfully resisting them. Again, when children have been completely separated from their natural guardians, a parent's place can never be adequately supplied. It would be irrelevant to draw a picture of the endearing associations of home affections, and the share which family ties claim in ennobling human nature, because at the outset it is conceded that we are dealing with those in whose case these, in a great measure, either do not exist or are perverted. But it is a matter of fact, that even where parents are cruel towards their children, and careless of the example they set them, they often place a more effectual safeguard against the graver dangers which beset their children than the kind and pious teacher who has assumed their place is able to do. Again, even the most parental and untiring teacher can hardly be expected to exercise much care or control over each individual after having left the institution he presides over. An occasional visit or correspondence is all that can be kept up; and the result of a system which is admitted to be necessary in certain cases is, that the young person who has been subjected to it is left in this predicament at about eighteen years of age—viz., that the family ties have been broken and no other bonds have supplied or can supply their place.

The conclusions which are to be drawn from these arguments are mainly as follows:—That in the present state of things, if any large proportion of young vagrants are to be induced to give up their dangerous calling, it must be done in co-operation with their parents, and without involving a separation from their natural guardians. But how is this to be accomplished? In the first place, by acting on the public opinion which prevails even among the lowest classes, by making parents aware that they are sacrificing the real advantage of their children for the sake of the small and casual earnings they may bring in from the streets; and in the second place, by establishing and carrying out more effectually such means as may offer sufficient inducements both to parents and children to give up their perilous calling, and raise their hopes of being successful in a more creditable walk of life.

Before pointing out very briefly a few practical suggestions with a view to attain this object, it may be desirable to quote a passage from the recent Report of the Rev. Sydney Turner, confirmatory of these views. It is as follows:—

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"I anticipate that the operation of the Industrial Schools Act, as amended in the Bill now before the Legislature, will do much towards meeting a difficulty. A large number of the young children, especially boys, now sent to reformatories for petty offences in the larger towns, will be dealt with under this measure if, as I trust, industrial schools of the class which the Act contemplates are established in them. Such schools would be much more appropriate places for the better training and restraint of such children, and will bring with them the advantage of offering a less artificial as well as a less expensive machinery for the purpose. There is no reason for secluding the majority of these children wholly in a distant boarding school. A school in the vicinity of their homes, which they should be obliged to attend, and in which they should be retained and superintended throughout the day, while their parents are from home or engaged in their daily occupations, would in many instances answer the purpose; and for those more exceptional cases where, from the child's orphaned condition, or from the depraved character and habits of its relatives, it is essential to maintain and lodge it altogether, a cheap lodging would be provided or an inexpensive dormitory furnished." Again, when writing particularly of the Aberdeen Industrial Schools, Mr. Sydney Turner remarks: "I concur with Sheriff Watson in thinking that the keeping up the natural ties of family life is of great value, and that in the long run the children will influence their parents for good by the knowledge and the habits which they bring home daily from the school."

In conclusion, the writer would offer a few practical suggestions as to various means which might be adopted or further carried out for preventing systematic vagrancy and its consequences of pauperism and crime, and for absorbing the vagrant element into the more healthy fields of labour.

In the first place, the system which has been set on foot by the shoeblack societies is directly of this nature, and with more complete police recognition and superintendence is capable of increased usefulness and extension.

The young street seller, or vagrant, is by it, after a short probation at a ragged school, furnished with a ready means of earning a living; subjected to careful superintendence, schooling, and discipline; protected from his own improvidence or the rapacity of his relatives by a compulsory rule of saving; and when he has provided himself with good working clothes out of his own earnings, and gained a good character for steadiness and industry, he is in a position to advance himself or be promoted to higher and more permanent employment. He is taken from idleness in the gutter, where he was a public nuisance, and placed at work on the pavement, where he becomes a public convenience. During all this time, be it remarked, he is dwelling in the majority of instances under his parent's roof, and made honestly proud of contributing to the comforts of home. It can hardly be doubted that, with judicious management and salutary rules, other street occupations which are dangerous when pursued

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without effective oversight might be rendered quite as useful as the shoeblack trade. Newspaper-selling might easily be organized and made an instrument for the prevention of pauperism and crime. A system of employing message boys, upon a similar plan to the excellent society of the commissioners in London, might be made available in other great towns where commissioners have not been introduced, or perhaps might be carried on in connexion with the telegraph companies. The partial employment of boys in private houses and lodging-houses, to clean knives, &c., might be carried on under strict regulations, and be valuable as a direct introduction for a boy into domestic service.

In the second place, day industrial schools, such as those which have been so useful in Edinburgh and Aberdeen, might be carried out on a larger scale, both in England and Ireland. The difficulty in this case is to select an industrial employment which shall, as far as possible, conduce towards making the institution self-supporting: but supposing that a factory with a benevolent object could be carried on sucessfully in a commercial point of view, it might be a powerful agent towards the prevention of pauperism and crime.

Further, if managers of existing factories, and large employers of labour, were to follow the noble example of the managers of Price's Patent Candle Company, Messrs. Silver, and many others, much good might be effected without interfering with the ordinary course of trade.

In the third place, magistrates and the managers of certified industrial schools might act upon the suggestion with regard to the working of the Industrial Schools Act which has been already quoted from Mr. Sydney Turner's Report. Detention under the magistrate's order does not necessarily imply separation from home. And by the Act the managers of certified schools are empowered, in certain cases, to provide for the lodging of the children sent to them, either at their parents' home, or elsewhere, as may be deemed expedient. The Act might be worked in many cases upon the system which has been so long carried on and found beneficial in the case of the Irish Orphan Societies, where, in most instances, if the orphan child has one parent living it is consigned to the domestic care of that parent, and to relatives or other well-disposed persons when both parents are dead.

Enough, it is hoped, has been said to warrant the following conclusions:—

1. That even in the existing state of their homes, and without superseding the natural care and responsibility of their parents, much may be done by such means as have been suggested towards reclaiming young persons from a life of vagrancy; nay, more—that it must be so done if it is to be attempted on any large scale, and not merely in those exceptional cases where separation from their natural guardians is absolutely necessary.

2. That although it may be a difficult task, it is not impossible: though much opposition and ingratitude will be met with, and many

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difficulties will arise which would not be encountered were the children under the undivided authority of their teacher, yet it will in the end be more thoroughly beneficial both to old and young.

3. That concurrently with the more artificial methods of prevention and reformation of crime it is chiefly valuable, because based on the natural laws of Providence, and enlisting the tenderest affections of the human heart.

On the Irish Catholic Reformatory Schools. By PATRICK JOSEPH MURRAY, *Hon. Sec. Dublin Catholic Reformatory Committee.*

THE Irish Reformatory Schools Act (21 & 22 Vict. c. 103) received the Royal Assent the 2nd of August, 1858, and the Roman Catholic reformatories opened under it to the 30th of June, 1861, are as follows:—High Park, Drumcondra, Dublin, for girls, certified the 31st December, 1858, contains thirty-one children, and has accommodation for forty-five. St. Joseph's, city of Limerick, for girls, certified 25th January, 1860, contains thirty children, and has accommodation for sixty. St. Kevin's, Glencree, county Wicklow, for boys, certified 12th April, 1859, contains 241 children, and has accommodation for 240. (I may add that St. Kevin's was the first Roman Catholic male reformatory opened under the Act, and was fifteen months in operation before the grant of the certificate to Upton, the only other Roman Catholic male reformatory in Ireland, and hence its fulness.) St. Joseph's, Golden Bridge, Dublin, for girls, certified 3rd May, 1859, contains twenty-seven children, and has accommodation for sixty. Spark's Lake, Monaghan, for girls, certified 29th of July, 1859, contains twenty-two children, and has accommodation for forty. St. Patrick's, Upton, county Cork, for boys, certified 6th of July, 1860, contains sixty children, and has accommodation for eighty. From this return, which I have obtained through the kindness of our good friend Captain Crofton, the Inspector of Irish Reformatories, it appears there are six Roman Catholic schools certified under the Act, two being for boys, and four for girls, with a total number of inmates, on June 30th, of 411, and with accommodation for 525. Of the 411 children in the six reformatories, 301 were boys and 110 girls, the ages ranging from nine to eighteen years.

The capitation money allowed by the Treasury is 7*s.* per week, but we are threatened with a reduction of 2*s.* in April, 1862. This reduction will be most unfair towards the Irish reformatories, because the English reformatories, to which 6*s.* are allowed for all children received after January, 1861, were allowed 7*s.* per head per week, during six years, and are paid it still for all children received before 1861. I regret, too, to be obliged to state that very few of the grand juries or town councils have availed themselves of the powers conferred by the 3rd and 5th sections of the Act. Dublin

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county and city were the first to use their powers, and the sum per head per week voted by the grand jury and corporation is 2*s.*, and this is the amount considered sufficient and adopted by such other juries and town councils as have agreed to support reformatories. Belfast, indeed, has repudiated all claims for payment (although some of the worst children have been received from that district,) upon the ground that the Government pays quite enough. The cost of care and maintenance varies from £19 9*s.* 5½*d.* per head, as at St. Kevin's, to £20 1*s.* 6*d.*, as at High Park.

I now proceed to show the effect of reformatories in diminishing juvenile crime. The total number of Roman Catholic children under sixteen years of age committed in 1860 was 1,297—982 males and 315 females; and the grand total of juveniles of all religions was 1,429. The Protestants were 7 per cent. of the whole, the Presbyterians 2, and the Roman Catholics 91. Sixty per cent. were orphans, or had lost either father or mother, and 27 per cent. of the boys and 53 per cent. of the girls were wholly illiterate. The committals of juveniles in 1860, as compared with those of 1859, show a reduction of 13 per cent. on the boys and 11 per cent. on the girls. The committals of juveniles in 1860, as compared with 1859, show the following decrease:—Re-committed once, fell from 87 to 81; twice, from 31 to 21; three times, from 8 to 3; four times and upwards, from 7 to 2. The sentences of juveniles to penal servitude in 1859 were 13 males and 2 females; in 1860, 4 males and no females. These I believe to be satisfactory results of an Act of Parliament little more than three years in operation, and of schools the oldest of which can date but from the 31st of December, 1858. It is worthy of note that these results would be much more satisfactory had the great body of the unpaid justices used the powers given them by the Act; and it will with difficulty be credited when I state that it is a very common thing to find paid magistrates and assistant barristers asking what is the Reformatory Act. I am bound to add that Captain Crofton has done everything in his power to make the reformatories known to those who administer the law, and we can only hope that time will do what his circulars have failed to accomplish.

Parental responsibility has been fully and sternly enforced in Ireland, and I know that Captain Crofton entirely agrees with Mr. Recorder Hill's statement to the Committee of the House of Commons on Criminal Juveniles, in 1852, when he said, "I think it is so important to force from the parent all that you can obtain for the purpose of making him contribute to the subsistence of his child, that I would put a machinery in force to effect this object, although it should absorb all the receipts. I mean to say I would incur as much expense to get 2*s.* a week from a parent who had neglected his child as would cost 2*s.* on the enforcement." I may tell the Department that for some months one man has been paying for his son at St. Kevin's, and for two daughters at High Park, a sum of 2*s.* 6*d.* per week for each. This shows no want of vigour in enforcement, and all doubt is set at rest when we find that to the present

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day the large sum of £240 has been recovered from the parents, nearly all of whom are of the very poorest class; and it must be recollected, too, that 60 per cent. of the children are either orphans or fatherless.

The Irish Reformatory Schools Act follows not alone the spirit, but even the terms of the English Act (17 & 18 Vict. c. 86.) There is, however, in the Irish Act one additional provision, which is, that the 7th section directs that children convicted under it shall be sent to reformatories "under the exclusive management of persons of the same religious persuasion as that professed by the parents or guardians of such juvenile offenders." All who know the peculiar circumstances of Ireland admit that this is a wise, a considerate, and a most necessary provision. It works well, and will work better. It silences the cry of proselytism and enables us all to work the reformatory cause harmoniously together; it gives us one common ground upon which we can work with united charity; it brings the names of men side by side upon the same subscription list, which never appeared together before, save in opposition.

The objections urged against reformatories in Ireland are of small importance, and are of that class which the advocates of the system in England had to encounter and to defeat before they were able to transform most obstinate opponents into firm friends. The Inspectors-General of Prisons in Ireland, in their Report for 1859, and again in that for 1860, state what they consider to be radical defects in all reformatory legislation, and would, if they could, destroy all freedom of action and management in reformatories, thus rendering the managers nothing more than unpaid jailors, and the powerless servants of some inspector with a strong trust in stone walls, but without faith in the magic of kindness, in the force of individualization, or in the facts which made wise calculating men in Newcastle and Gateshead tell us that "a child, even when criminal, should be treated as a child and sent to the reformatory school, and not to a prison." I am quite willing to believe that the Inspectors-General of Prisons, who wrote the Reports for 1859 and 1860, do not approve of reformatories; but I am sure that when they become familiar with the system, and with the objects of reformatory managers, and, I may add, with the real practical working of the institutions, they will discover their grave causes of doubt and of misgiving to be as groundless as the horrors excited in the mind of the Rev. Mr. Styles by that infamous instrument of torture, the "Kime," of which he considered Sydney Smith to be the inventor. All through this paper I have used the figures of the Inspectors-General, and thus the Department will perceive that notwithstanding all the objections to reformatories, they have caused a very remarkable decrease of juvenile crime. However, to the Report for 1860 the Inspectors-General append a table showing that from the 31st of December, 1859, to the 31st of December, 1860, thirty-five juveniles (thirty-one boys and four girls) sentenced to reformatories were refused admission, and

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this the Inspectors-General considered to be a grave error, because, through their refusals, the thirty-five children escaped any punishment save that of the short previous imprisonment. Upon the part of the managers of Roman Catholic reformatories, and, I may add, I am sure, upon the part of the managers of Protestant Schools also, I protest against this statement. In fact, five of these children were sentenced only for two years, and one for twelve months,—periods so short that no reformatory manager could, in justice to the well-being and reputation of his school, receive them. Thirteen were quite unfit, being over the legal age; two escaped through the fault of the jailor or justice; and fourteen may be divided into those fit for an hospital and those fit for the most penal cell of a convict prison. It is not fair or right to attempt to fix the faults of others upon the Reformatory Act, or upon those who manage reformatory schools. The Reformatory Act is plain and simple; but if justices or those who administer the law will not read it, surely reformatory managers are not to blame; and if those who sentence will not read the few brief circulars addressed to them by the managers, stating the conditions upon which children will be received into the schools, it cannot be contended that if children, sentenced in spite of these circulars, are refused, the fault is the fault of the manager. If justices and others will confound the reformatory with the convict prisons, and, because four years is a sentence of penal servitude, will consider two years a heavy one for a child in a reformatory, this error is not the error of the manager, but of him who does not know that the prison is for the punishment, the reformatory for the amendment, of those committed to it. In their refusals, reformatory managers act upon neither whims nor caprices. Their system and its principles are as sound and perfect as any human system can be; and it is now firmly established in England and in Scotland. In Ireland we were slow to begin the reformation of these poor children, but we are making rapid progress, and with all my heart I say, in the beautiful, thoughtful words of Miss Carpenter—"May many labourers be raised up who will endeavour to rescue these lost ones —to save a soul from death, and thus cover a multitude of sins."

The Protestant Reformatory Schools of Ireland. By the Rev. J. H. Monahan, B.D., *Prebendary of St. Michan's, Dublin.*

If I regard only the short time which has elapsed since the establishment of Protestant reformatory schools in Ireland, and the small number of the juveniles committed to them, I might fear that in any account of them in this place an experience so limited might be thought to contribute little that was interesting, or novel, or suggestive; still, though the Protestant reformatories are few, and these scantily supplied with inmates, if we have any difficulties, we may,

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meet with sympathy and advice—if we have anything novel to present in our system, we would desire a free and fair examination of it.

I would propose to notice how we came to adopt our mode of management, what it is, and then some difficulties which embarrass our progress.

When we set about establishing a reformatory in Dublin, as we had no experience of such institutions, yet were fully convinced of the benefits to be obtained by them, we were all very anxious that as few mistakes as possible should be made, and that we should endeavour to gain all the advantage we could from the experience of others who had been personally engaged in such good works; I had, like others, read a good deal of the available reformatory literature, reports, &c., and had seen how often the most careful managers were obliged to retrace their steps, and to abandon plans of reformation of criminals, that seemed at first sight to be very promising; so I resolved to visit some English reformatories, and to examine their management with all the care and attention I could bestow. Our first anxiety was to provide for girls, so, naturally I went first to Bristol, and I need hardly say that, if I had been sceptical or timid, the Red Lodge was alone enough to inspire faith and hope in the most doubtful and desponding; and so, from what I saw at Bristol, at the refuges and certified reformatories of London, Liverpool, and Manchester, I was able to bring back abundant evidence of undoubted success, and from managers much kind encouragement and good advice. Our difficulty lay in adopting, from large establishments, such regulations as would suit a number that we could not expect to be very considerable; but all this difficulty vanished when the Rev. Mr. Shore developed, at an early meeting of the committee, a reformatory scheme derived from long and intimate acquaintance with the details of the Irish convict system. Mr. Shore had been for years chaplain at the Smithfield Prison, where "the exemplary" or most advanced class was kept, and again at the Mountjoy Prison, where convicts were led to take the first feeble steps towards a reformed life, and so he was fully qualified to lay down the system from its beginning, and to give us confidence of the success that should be found at the end. All that had been dim, tangled, and uncertain in our thoughts on the subject, seemed at once to attain clear and well-defined form and order, and, without hesitation, we adopted the plan. On it we have worked from the beginning, and even now from it we have been enabled, by the blessing of God, to see some fruits of our care. What I had been looking for at a distance was found ready at our hand, and we judged that the treatment that had proved so successful for Irish adult convicts was, with suitable modifications, just the plan for Irish juveniles also; and, so far, the results have not disappointed our expectations.

Our plan is this: when juveniles enter the house their total loss of character is fully represented to them; that with their liberty all good

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name is lost, not merely in the outer world, but in that house which is to be their world for so many years; but yet that hope remains for them, for that instead of a long imprisonment in jail, which would have been their ordinary sentence, a more humane law intrusts one portion of their punishment to those who are now responsible for them—who are also permitted to modify that punishment in rigour, and in duration, according to their conduct, and even to release them and restore them again to liberty, when they shall be thought able to enjoy without abusing it—and that so, by the grace of God, the damage of character may, in a great degree, be repaired, first in that house, and then more easily and certainly in the world at large; they are made to understand that it rests with themselves to make an effort to gain marks for good conduct and industry, and by means of these to attain to certain privileges according to their class; in short, the whole system is, first of all, clearly explained to them, a system so simple that the dullest child can easily learn it. The following is the discipline scale:—

Every inmate shall get from the matron or superintendent each Monday morning two judgments, one for general conduct and one for industry, as follows:—

E. G. (extremely good)	Value	3	I. (indifferent)	incurring loss of	1
V. G. (very good) ...	„	2	B. (bad) ...	„	3
G. (good)	„	1	V. B. (very bad)	„	6
O. (ordinary)... ...	„	0			

All inmates shall be ranged in five classes, the fifth being the lowest, in which every one shall be placed on admission.

To rise from 5th to 4th class each must have obtained 60 marks.

„	4th to 3rd	„	„	26	„
„	3rd to 2nd	„	„	48	„
„	2nd to 1st	„	„	72	„

The above shall be the scale for each inmate whose period of detention shall be less than two years; for all others it shall be increased in the ratio of twelve marks additional to qualify for the fourth class, and six additional marks for every other class for each year after the first to which the period of detention is to extend.

The following are the privileges of each class:—

Fifth Class—None whatever.

Fourth Class—One hour's unrestrained recreation daily for each girl; each boy and girl to be allowed to write and receive one letter in each month.

Third Class—The same; with the addition of permission to receive a visit from friends every second month: the boys of this class may wear their hair longer than the prison length.

Second Class—The same; and in addition to have a portion of garden ground allotted, and to be permitted to go to church with the master or superintendent.

First Class—The same; and to be eligible to go out as messengers, to carry parcels for the matron or other officers.

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Whenever, from any cause, a pupil in the 1st, 2nd, or 3rd class cannot receive a visit from friends to which he or she would be entitled, then he or she shall be allowed to write, and receive one letter in lieu of each such visit.

Such is the plan we adopted, and unfalteringly observed; by every step of improvement in character new privileges are reached, not, indeed, to be held permanently, but only as long as they may be retained by the same conduct which first deserved them. Thus a girl, on her arrival, may see through the window, as she looks out into the playground and gardens, some girls enjoying an hour's unrestrained recreation, while others are obliged to pace round slowly without venturing to stop, or to assist in the pleasing task of those who are tending their flowers—as yet these have no privilege, and to this class she learns that she must go and join herself, for now she has no good character, and therefore no privilege whatever. The child soon discovers that it is left to herself to earn such advantages, and to gain with them the good opinion of those who are placed over her; and she is taught from the first that this is not a plan invented to torment her, but during the period of her punishment, in the loss of liberty, this is a method adopted for her improvement in life, in humble imitation of that moral government which our Father in heaven has established for His children, which the King of kings made known to His subjects; and that He only, whether within or without those walls, can give "us grace to amend our sinful lives, to decline from sin, and incline to virtue;" and so the stories of God's government, and the beauty of Christ's love and life, and the power of the Holy Spirit's work, opened up to them in the daily reading of the Holy Scriptures, accomplish a work peculiarly their own. I say peculiarly their own, for I must despair of any permanent results without the influence of religious principles. The absence of opportunity and of temptation, present, indeed, in such a place, a grand occasion for instilling principles of religion and virtue; but without these, if the heart be only swept and garnished, other guests will soon enter, and with freedom, they will suggest the opportunity for evil. "*Tolle periculum jam vaga prosiliet frenis natura remotis.*" We know that when Romulus gathered his company of thieves and burglars into the first asylum, and then when Numa had the chance of trying on them his first reformatory scheme, he is reported to have led them to think, and to think on God, and his power over men. The words of the historian are remarkable—"Et animi aliquid agendo occupati erant, et deorum assidua insidens cura, quum interesse rebus humanis celeste Numen videretur, eâ pietate omnium pectora imbuerat ut fides ac jusjurandum, proximo legum et pœnarum metu, civitatem regerent."* In this sentence, I think, are expressed the great agency and aim of reformatories—mental occupation, so that religious consciousness and moral principles should be the ruling power, the fear of laws and punishments being of secondary conside-

* Livy, Book I. Chap. 21.

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ration—("proximo")—secondary to the sense of duty towards God and duty towards man. Thus gradually influenced by such feelings, children discover each new privilege to be a reward, pleasing in itself, and a help to further reformation, just as the true rewards of a virtuous life call forth the increasing exercise of virtue. So the letter to father or mother—the visit of father or mother, their presence at public worship, and the full confidence of their superiors, are both rewards of, and incentives to, a reformed life, and thus they purify their hearts in obeying the truth. If any person thinks that it is a trifling thing to have an hour's indulgence in recreation, a plot of garden ground or such things, which others do not enjoy, let him look round and see how powerful a thing this matter of privilege is —not among criminals or children only, but among leaders of the world and of its armies. The veteran statesman is rewarded for a life of anxious care in all the strife of party, by the privilege of being permitted to utter his opinions, not in the powerful assembly of the Commons, but in the more privileged order of the Peers; and our gracious Queen is never accused of parsimony when she rewards the loss of limbs by a piece of blue ribbon—"Fractis ætate et Punica passis prœlia—merces ea sanguinis atque laboris nullis visa unquam meritis minor, aut ingratæ curta fides patriæ."

It is clear that no pupil can rise through these classes very rapidly, and the gradations are so slowly effected that a permanent habit is more easily secured. If it be true that no one graduates all at once in vice, it is likewise true that no reformation that is real can be sudden. The sentiment may be hastily adopted, but not an altered life; still it was not too much to hope that in these neglected natures good seed might be sown, that would in time bring fruit to perfection. It was known in very many cases neglect of parents had been a fruitful cause of juvenile delinquency. Few children of that class knew anything of the sanctifying influences of family prayer or those other duties which acknowledge God in the household. And so it proved, when sacred things were brought before the minds of these neglected ones, they did exercise their due influence; and when even treatment simply just was regarded with wonder, we need not be surprised if ordinary kindness was rewarded with affection. In a soil not yet beaten hard by the tramp of inveterate vice the growth of love among the ruin of home affections in young hearts is strong. *Quippe solo natura subest*—and not unfruitful when tended by gentleness, truthfulness, and uniform treatment.

For the girls, we can propose nothing else than to train them as domestic servants, and we feel certain of being able to provide for them very well without much difficulty. The girls have already discovered that the character they may gain in the school is acknowledged outside. This lesson was impressed on their minds sooner than could have been expected. In December last a girl was discharged by order of the chief secretary. Her father had earned a scanty livelihood as a fiddler in the streets of Dublin. She had led a Bohemian sort of life, and her few lessons in spelling were gained at a

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ragged school. Returning from one of these she was arrested for disorderly conduct, and finally sent to the Cork Street Reformatory. While there, the consistent kindness and good instruction she received influenced her so, that when at the end of one year she was discharged, she refused to live with the relatives who claimed her, but voluntarily came back seeking shelter in what she had formerly called her prison—the reformatory school—and, before many days, a very good situation was obtained for her. Another girl, a very hopeful case, whose period of detention has expired, pays frequent visits to the school with her mother, both very grateful for the treatment she received. This, I say, has shown to them all the value of a good character beyond its school estimation. This has shown that though the law stamped on the badge of the school an impression of infamy and disgrace, the school could stamp it over again and mould it into a medal of credit, so that the successful pupil of the reformatory school could wear it, and feel that even society can forgive and say "Neither do I condemn thee."

For the boys, we are of opinion that, having regard to their after life, we can do nothing for them so safe as to train them for field labour. We would hope to assist them to emigrate; and it is well known that few trades such as we could teach them would be useful to the emigrant, while, in other respects, agricultural employment is found, for many reasons, to be most conducive to reformation.

Such is our plan of management, and aided by the untiring zeal and attention of the Rev. Mr. Shore, one of the honorary secretaries already referred to, we have been so far successful. Girls who had been nine times in jail before the age of fourteen—girls accustomed to blows and rough usage, who seem never to have met, indeed, scarcely to have deserved, a kind word, now surprised into gentleness and tenderness of spirit, inhaling an atmosphere of order and patient kindness—have bowed to a power superior to brute force, and have felt that love was stronger than a prison wall; and boys of a spirit to attempt suicide, with a resolution to be wicked, have been constrained by kindness and have felt their wills bent in a new direction that leads them, with difficulties daily lessening, in the way they should go; and so when it happens that some special favour is promised, such as the sight of the wonders a good microscope can reveal, to be given when boys or girls shall be found each in their own school all earning good marks, the stronger help the weaker, the good help the less good, and the promised reward is patiently earned, and so is highly prized.

The Dublin schools for boys and girls, and the Malone Reformatory, Belfast, for boys, are the only Protestant reformatories in Ireland. The last was opened in March, 1860, and is conducted on principles identical with our own. "Rewards consist principally of good marks, entitling the boy to certain honorary distinctions and privileges; for instance, if a boy conducts himself well during the month, his name is put on the good conduct list, over the chimney-piece of the schoolroom; if it remains there during three con-

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secutive months he is then considered deserving of the good conduct stripe; and should he wear that for three months in succession he merits a second stripe, and may be taken into the town; a boy who wears a second stripe for six months successively is entitled to get a third stripe, which is called the mark of honour, and he is permitted to leave the grounds by himself, and act as errand boy for the institution. If, however, any fault worthy of a bad mark be committed at any time, the mark of honour is immediately lost, and the boy forfeits all his privileges." "Petty officers—such as field dormitory boys—are selected from those whose names are on the good list."

The principle is manifestly the same—viz., that good marks obtain certain privileges, and that the highest privilege must be slowly and gradually obtained, namely, the confidence of his superiors, "to be permitted to leave the grounds by himself." Regarding field labour, also, the opinion of the managers of that institution is to the effect that "no other work at which the inmates could be employed is at all to compare with field work," which, they believe, has been the experience of every similar institution.

The Dublin schools have fourteen boys and ten girls, the Malone Reformatory twenty-six boys, chiefly from Belfast; in all, forty boys and ten girls. It would seem scarcely credible that in all Ireland there should have been only twelve Protestant girls (including Dissenters) sent to reformatory schools in the space of two years and three months; and that receiving in Rehoboth the Protestant boys from all the counties excepting Down and Antrim, we have had there only seventeen inmates in the space of one year and six months, yet such is the fact; and it was often made the ground of alarm as though our Protestant children were being sent to Roman Catholic institutions, and some people felt a constant irritation on this head; but, I am happy to be able to say, that I believe the managers of those institutions desire, among our many difficulties, to act with perfect fairness, and I am happy to be able to show that there can be no reason for alarm; for, after all, the number of reformatory cases keeps pretty nearly to the average of juvenile crime, as among Protestants, marked by the last return of the Inspector-General of Prisons, p. xxiii., "according to Table No. 22," he says, "the Protestants" (he means of the Established Church) "were 7 per cent. of the total juveniles committed to prison (including those sent to reformatories,) the Presbyterians 2 per cent., and the Roman Catholics 91 per cent." It is, of course, satisfactory to find that crime is comparatively infrequent among the members of our Church; yet it must not be forgotten that it imposes on all who are Protestants the greater obligation cheerfully to make some sacrifice to cover expenses which must be met in this way, while the number of pupils is small, and the allowances provided by the Act of Parliament insufficient to maintain them. We have not, as our Roman Catholic brethren have, numbers sufficient to secure an adequate maintenance for these institutions; and generously, very

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generously, our Roman Catholic brethren have helped us in this difficulty by liberal contributions to our funds. This difficulty still remains, while the number of inmates is small; but this small number is no plea for our apathy in His sight, who tells with approval the anxiety of that shepherd for his one lost sheep, and his joy when he bore it home unharmed. Whether it was wise to have established a second reformatory for boys until the first could be made self-supporting, is another question. They are both now in existence, though not flourishing financially; and it must require much patience in well-doing on the part of Protestants to meet the expenses of buildings not yet paid for, and, at the same time, to supplementalize the Government allowance until the number of inmates shall be considerably increased.

That the Irish schools generally have proved a great blessing cannot be denied. According to the police reports for the Dublin district, the annual average of convictions on committals for the nine years preceding 1860, of persons under fifteen years, was thirty-four; in 1860 it was only nine. In another department it appears, by the Report of the Directors of Convict Prisons, that the annual average of boys sentenced throughout Ireland to penal servitude, for the four years before 1860, was thirty-six; in 1860 it was only four; and this year, in six months, there is only one; even that case is remarkable—the boy had been sentenced to a Roman Catholic reformatory last year; his father was a Roman Catholic, but his mother procured the boy's release by a declaration that she was a Protestant and her son the same; four months after he was again convicted and sent to Mountjoy Prison for penal servitude, as a Roman Catholic. And this boy, who should have been in a reformatory, is the only boy sentenced to penal servitude in the six months of this year, in Ireland. How much the country has gained, in another view, may be seen by this fact, that whereas in 1856-7 a vote in Parliament was agreed to for about £10,000, to build a juvenile convict prison at Lusk, it was not built, and there is now no intention, as there is no need, of building it; thus, even already, by the Irish reformatory schools, there is an amount of recurrent crime prevented, an amount of loss caused by the plunder of a host of criminals prevented, and £10,000 saved to the Treasury in this single item.

I must not fail to notice an arrangement made by the Right Hon. the Recorder of Dublin to prevent mistakes regarding the religious description of juveniles. It is sometimes hard to account for the lies young criminals tell on this head about themselves. However, mistakes such as this lead to much irritation or misunderstanding; and as the Secretary of State has not been advised to correct these mistakes by the authority vested in him by the Act, they generally end in the discharge of the criminal. To prevent such error and such result, when the Recorder discovers on his list any juveniles likely to be sent to a reformatory, he causes inquiry to be made by responsible persons, and accurate information to be obtained; the same precaution would enable magistrates everywhere to avoid

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mistakes in this particular as well as others for which blame is thrown on the managers of reformatories. The Inspector-General of Prisons, in his last Report, gives a list of thirty-five juveniles sentenced to detention in reformatories, and rejected by managers, amounting to eight per cent. on the whole, and he says: "The law has been stultified by the absolute discharge of this large aggregate of delinquents, turned loose upon the community, after the completion of a very brief and inadequate imprisonment." When I examine the list he furnishes, I find twenty-two of the number were simply illegal sentences—they were in cases above the age prescribed—five were juveniles suffering under cutaneous or other infectious diseases; five were for short periods (at most two years;) one was a girl of depraved life; and of the two remaining cases, in one a reformatory was not named by the chairman of quarter sessions, in the other the preliminary imprisonment expired before the receipt of the warrant for removal. Such is an analysis of the list, and yet people are found on such grounds to sneer at reformatories, and ascribe to their managers the results of the ignorance or carelessness of magistrates. It is one thing to pardon such errors regarding an Act of Parliament of recent date, but it is another thing to expect the managers of reformatories to carry out illegal sentences, and to admit cases fit to infect the bodies of the healthy, and mar the improvement of all. I venture to say that the most experienced managers will affirm that they would also reject such cases, and that when a prostitute over sixteen years of age was refused admittance into the little society of juveniles in Cork Street, now so prosperous, it was prudent, and even necessary to do so; while, on the other hand, a little care in these matters, or a brief remand, would enable the magistrates to do what the Recorder does, that the ends of justice may not be defeated, nor the reformatories ruined. This is one of our difficulties as yet.

One table (No. 6) furnished by the Inspectors-General of Prisons is, indeed, as they say, "well worthy of examination in detail, as showing how little deterrent effect imprisonment brings to bear upon many offenders, especially females; for 1,087 males and 2,143 females are recorded to have been incarcerated in 1860 four times and upwards, and no less that 336 females and 47 males are returned as having undergone imprisonment from 21 to 26 times; indeed, in Cork city one female is stated to have been 66 times committed." Yet surely there seems a faith in simple imprisonment and the efficacy of the four walls of a jail; and if men in authority sneer at reformatories, and magistrates will not use them, or if their sentences tend rather to abuse them, we cannot wonder to find that, in 1860, 1,170 juveniles under sixteen years were sentenced to imprisonment in jails, over and above the number of those sent to reformatory schools. We can only hope that by the discussion of these matters here, the attention of chairmen of counties and magistrates generally may be called to the existence of 21 & 22 Vict. c. 103, entitled "Reformatory Schools, Ireland," that the country may reap the

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benefit of the Act of Parliament in the reformation of its juvenile offenders. This ignorance is another difficulty.

I would only further say that I hope much good may be done for the juveniles about to return home, by frequent visits to the parents and friends of the children during their detention, so that the improvement of parents, often so much needed, may keep pace with that of the children; so that, in dependence on the blessing of God and in His great name, "the hearts of the parents may be turned to the children, and the disobedient to the wisdom of the just."

The Disposal of Boys from Reformatories. By the Rev. Ishmael Fish, *Chaplain to the Castle-Howard Reformatory School.*

Within a few weeks I have been asked by the managers of five English reformatories what I could suggest as the best method of providing for boys on their discharge from reformatories. I have been not a little surprised at these inquiries, for I had supposed that each school had, before this, solved for itself the difficulty of disposal. I conclude that I have been mistaken. I am, therefore, desirous to offer to my brother managers some hints, arising out of my own experience, in the hope that they may be of service.

I presume nobody need be told that provision of some kind for a boy on leaving a reformatory is necessary, or that it is of the greatest importance that such provision be of a kind to promote reformed habits. I understand our object is to restore the criminal to society. In order to do this he must be fitted to occupy some place in society, and some place must be found which he will fit. The only element of fitness which is necessary to be considered in this part of the reformatory process I conceive to be the industrial element.

I believe that the boys in any reformatory may be divided, for my present purpose, into two classes, which for convenience sake I will call the "regulars" and the "irregulars." By the regulars I mean those boys of general average capacity and moderate habits, who form the majority of our inmates; by the irregulars, those who through some marked natural capacity or defect, or on account of some exceptional circumstances, are only suited for special occupations, and who form a not very large minority. Of forty-eight boys now in the Castle-Howard Reformatory not more than six can be fairly placed in this latter class.

Society always wants workers of one kind or another. I do not, of course, say this as a politico-economical dictum, I simply record my own experience of the labour world during twenty-five years. What we have to do is simply to find out what kind of workers are in demand, and then train our boys accordingly. The demand will vary in kind in different places, but I believe that in the neighbourhood of every English reformatory there is some demand, for the

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supply of which the regulars of the school might be trained. Here at Castle-Howard the demand is for agricultural labourers, and it far exceeds any supply that our school can afford. I have been told that we are very fortunate in this respect, but I have reason to suppose that agricultural labourers are wanted everywhere in England. The rural population is diminishing. I am honestly and heartily sorry for this. I wish I could see the good that is to result to England by the transfer of her peasantry from the county to the town, the conversion of her husbandry force into manufacturing power. But there is the fact, and it must be accepted. I am nearly certain that the regulars of any reformatory may be prepared, by proper training, for any ordinary kind of labour that may happen to be in demand, and that with a little attention and some trouble they may be provided for in this (as it seems to me) perfectly natural way. But almost everything depends upon the proper training. I mean that a boy must be taught to do whatever he undertakes in the best possible way. If he is to dig or plough or mow he must be taught to dig well, to plough well, to mow well. I know perfectly well both the difficulties that lie in the way of doing this and also the objections that may fairly be made to it, but I am fully convinced that this is the reformatory sheet anchor. Let a boy be able to work well, that will go far towards making him willing, and be almost sure to find him an employer. But then, perhaps, no reformatory school in England has within itself the means of making a boy a perfect workman, not even a perfect agricultural labourer. I have as yet seen no such a one. A farm labourer, especially a young one, must be well acquainted with horses and be able to plough. Our farm schools are nearly all cultivated by the spade. This complete training may nevertheless be had, and had concurrently with another most valuable acquisition, by the use of the authority to hire boys out on license. I admit that the terms on which that authority is given may be objected to, but practically the power is all we could wish. My plan is, therefore, just this: after a lad has spent a considerable period in the school, and exhibits a disposition to do well, I license him for hire to some farmer or other person, from whom he learns such arts of manual labour as we cannot teach him ; in doing so he acquires habits of self-reliance and familiarity with honest workmen, so that when the time of his discharge comes he is nc stranger to society, nor is society strange to him. He is, in fact, provided for.

I need not write much to show how I overcame the prejudice of employers of labour against the criminal. When we began our schools all kinds of absurd objections were raised against us. To all fears my reply was, Wait. A few months were sufficient to prove that a lot of boy thieves might possibly be quiet at church, and be kept from robbing everybody within reach. Long before I had a single boy that I could well send out on license, I had applications for them. The first man who made the venture did so, I believe, with much fear ; but for nearly five years he has regularly employed our boys,

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and during three successive years has come to the school to hire a yearly servant. In like manner the labourers themselves found their prejudices gradually removed, and it is a common thing for labourers to hire our boys to assist them in task work, or to work in their field plots.

The majority of boys who have completed the period of their sentence in our school are now in service according to this system, and at this moment twelve are out on license; some of them have been out two years, others only a few weeks. They all come to the school at stated intervals, varying according to distances, from one week to one month; and I must say that one of my greatest pleasures is to welcome every Sunday five or six boys who come over to spend the day at the school.

But there is a very important step preparatory to the use of the license, which I must not omit to mention—and that is, the labour hired by the day. I write this on the 30th of July, and to-day thirty-eight out of forty-eight boys have been out to work. This is an exception, as it is hay-time; but on looking at my labour register, I find some who have gone out regularly for six weeks, some three months, and two for twelve months, as day labourers. The effect is this: the boys look upon it as a most honourable thing to go out to work. One of our punishments is to forbid a boy going out to work. Masters grow familiar with boys who work for them, and last Martinmas five farmers came and hired as yearly servants boys whom they had so employed. This very day two gentlemen have come to the school to hire boys for the harvest month, each of them selecting a boy whom he has had as a day labourer. Before harvest I expect to hire at least a dozen more in like manner.

I admit objections to all this. I know I may be asked—Do you think this consistent with the spirit and intention of the reformatory sentence? I answer frankly, I do. I take care that every boy who comes to Castle-Howard, and will learn, is taught to read well, to write a letter, and to work the simple rules of arithmetic; I will vouch for every one who has passed through the school that he has some knowledge at least of the Bible and the English Prayer-book; more than this of mental training I would not guarantee: to my mind it is enough. I aim at making the boys workers, and in so doing I have found no difficulty in providing them places on their discharge. I take this to be true reformatory work. But is not the moral training hindered by the exposure necessarily attendant upon the out-labour system? I know that the boys who go out hear and see, and possibly do, many things that they would not in the school; and which, perhaps, are not good. But does all that tend to make them worse than boys and men in general? If not, I am content, for I confess I do not desire that reformatory boys should appear to be very much better than other boys. If a lad with a broken leg can be made to walk with a slight limp it is matter of congratulation; if he could go better than one whose leg had not been broken, how many boys would think that a broken leg was a thing to be desired?

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No! I am thankful if a poor, branded boy, can be helped to efface the mark, or at least to cover it; and I am happy to know that not a few of ours are now scarcely known as having been criminals at all.

To work the license system well, it is important that the sentence of detention be long. It is also of the utmost consequence that the surveillance of the holder of the license be real. He must be seen regularly, and his conduct carefully inquired into. There is a danger of growing lax in this latter respect, which cannot be too carefully guarded against.

This done I believe all the regulars may be gradually absorbed into the industrial classes without any displacement of honest labour, and without any opposition on the part of the honest labourer.

A word respecting the irregulars. There are probably three in the hundred of all reformatory boys who are totally incorrigible. The best thing to do with such (so far as reformatory managers are concerned) is to set them adrift. They will run their course, and perhaps be saved by suffering. But there are a few others who require something different from the regulars. Here and there one may be found for whom the best training is that which makes him grow fastest, so as to be soon big enough to enlist. I have had one such, and he makes a capital soldier. A larger number exist for whom the sea is the only place where they could be happy. Exchange such with the "Akbar" or "Cornwall" school. And, finally, there are a few for whom special occupations must be found. I have one such a shoemaker, another a lathrender, a third a railway porter, a fourth a cabinet-maker, and a fifth a stoker on a locomotive; all of whom have been for months following these occupations on license, and of no one of them have I the slightest fear of a return to crime when the time comes for their full discharge. Nor have I had any difficulty worth a moment's mention in finding the places for which these boys are specially suited. On the contrary, I think I see numbers of places of a similar kind which I could fill if I had the boys; but the race of boy thieves in the East and North Ridings of Yorkshire is all but extinct. Not only is our school only a little more than half full, but for three months past there has not been a single boy of the class we receive in any one of the seven prisons within the district.

I have said nothing of emigration, because I consider it too expensive to be largely available. Whenever I have had recourse to emigration, it has been as a special reward to very deserving boys.

In conclusion, I may observe that I have been asked to find places for boys from other schools. I decline to do this, because I cannot know what place a boy will suit unless I have trained him, and I make a rule of giving to every employer as complete an estimate as possible of the boy whom he hires.

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The Present Position of Mettray. *By* FLORENCE HILL.

AT the meeting held at Bristol, in 1856, of the National Reformatory Union, a deeply interesting paper by Mr. Frederic Hill, late Inspector of Prisons for Scotland, was read, describing the colony of Mettray as it existed at that date.*

The lapse of five years has witnessed a further development of that noble institution; and having recently had the gratification of revisiting it, it has been suggested to me by friends interested in the progress of reformatories at home, to give a statement of the present position of our great exemplar.

I naturally commence with the Ecole Préparatoire, or training school for the officers—called *agents*—employed at Mettray, since to the efficiency of this department is attributed a large measure of the success attained by the reformatory. Its operation secures not only the training of future officers, but—a scarcely lesser boon—the elimination of candidates who prove to be unsuited to the post to which they have aspired. The system of education includes a practical acquaintance with the duties of an agent. Thus, during the period of study, M. Demetz obtains a knowledge of the pupil's character which enables him to judge of his fitness for the vocation he has chosen: while, also, the youth has the opportunity of testing the sincerity and permanence of his inclination for it. The greater number pay a moderate sum—600 francs a year—for their board, lodging, and instruction, but under certain circumstances pupils are received gratuitously. None, however, "when they come to us," writes M. Demetz, in his latest treatise on this subject, "enter into any engagement to remain. They are free to leave, and, indeed, they ought to leave, the school the very day they cease to be content there; for from that very moment we lose the only influence over them we desire to exercise—that which springs from conviction. Constraint can never give birth to devotion, and our aspiration is that all who aid us should be animated by the pious desire of being useful to their fellow-creatures."†

Many do, in fact, find that they have mistaken their vocation, and depart; in the case of others, this discovery is made for them. The time, however, spent at Mettray has not been lost. For all who leave, if they desire his intervention, and their conduct merits it, the director interests himself to procure employment, which the sound education given at the Ecole Préparatoire makes it easy to obtain.

Those who remain, who have proved alike their capacity and their devotion, form an invaluable staff of assistants, not only for Mettray, but for analogous institutions throughout France.

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* "Authorized Report of the First Provincial Meeting of the National Reformatory Union." Bristol: Arrowsmith. 1856.

† "Notice sur l'Ecole Préparatoire." Paris: Rue St. Benoit, 7. 1860.

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The commencement of this school, which opened with twenty-three pupils on July 28th, 1839, six months before any "colons" (as the young offenders are called) were received, may be regarded as the inauguration of Mettray. On July 28th, 1861, the twenty-second anniversary of that most blessed event, 289 pupils had been admitted into the Ecole Préparatoire. Of these, three have died; seventy-nine after a very short sojourn departed from lack of ability; 147 are pursuing various honourable callings unconnected with the reformatory enterprise; twenty are engaged in establishments similar to Mettray; while of forty Mettray retains the services herself.* The remaining twenty-two are still in the school. It has accommodation for twenty-five. Recent enlargement has greatly increased the commodiousness of the building appropriated to it, while the course of study has likewise been extended.

Other buildings have been enlarged and some new ones erected. A well-arranged "*boucherie*" has lately been completed. Mettray grows the meat she consumes, and here is slaughtered and cut up all required for the 941 persons, including the families of agents and servants, of whom the entire population of the colony now consists.

The manufacture of agricultural implements has become a very important branch of industry. A new workshop has just been built, which will facilitate its still further extension and improvement. During last year, however, 719 implements, (including carts, ploughs, &c.,) were manufactured, besides all used in the colony being kept in repair.

Seven outlying farms have of late years been added to the original limits of the colony. The extent of land under cultivation is upwards of 244 hectares, or about 600 acres. Of this rather less than one quarter belongs to the institution, the remainder being held on lease.

Several years ago, to employ the hands deprived of occupation by a decree of the Provisional Government of France, which compelled the closing of the workshops at Mettray, an extensive system of drainage was undertaken. Further improvements of this nature have been accomplished, and their public value has lately been acknowledged by a grant in approbation from Government of 200 francs.

The benefit bestowed upon the soil is apparent in the crops obtained, which exceed by one-third those grown on neighbouring farms. But to this advantage a serious drawback attaches in the augmentation of rent demanded as the land improves. For this and other potent reasons, M. Demetz desires to buy the lands now leased, and appeals to his country and to the friends of Mettray for aid.

The number of colons present at Mettray now, as for some years past, is 700. From January 22nd, 1840, when the first were admitted, until the 28th of July last, 2,695 had been received at the

* The whole staff of the colony, including the director, the chaplain, the sisters of charity who tend the sick, the servants, &c., numbers eighty persons.

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colony. Of these 95 have been expelled from Mettray, 74 having been returned to the prisons whence they came, and 21 carried before criminal courts and convicted for grave offences committed at the colony; 49, afflicted with severe disease, epilepsy, &c., have been removed by order of the Minister of the Interior to hospitals or asylums; and 205 are dead—the death rate at Mettray being about 2 per cent. per annum.

Of 1,646 restored to liberty only eighty-five have relapsed into crime, or, as stated in the returns published by the Minister of Justice, 5·43 per cent.; while, as he shows, the lowest percentage of relapses among persons discharged from other reformatories in France, amounts to 13·42.

In comparing the success of Mettray with that attained by our own reformatories, we may perhaps not unfairly class the ninety-five youths expelled with the eighty-five who have relapsed into crime. Let us, however, admire the wisdom which, in removing those lads who show themselves inaccessible to the reclaiming influence of Mettray, withdraws an element of certain corruption. Even the youths thus dismissed might, in the opinion of M. Demetz, be reformed by severer treatment than it is possible at his institution to administer; and it is in their behalf that he has so long and urgently advocated the establishment of schools of a more penal character. Hitherto, unhappily, his efforts have failed of success. Although the law authorizing the founding of such schools dates from August, 1850, and although the experience of Mettray alone suffices to prove that they are essential, if every form of youthful depravity is to be successfully dealt with, none have yet been opened.

In the early days of the colony, one of the directors usually repaired himself to the prison to conduct thence the child whose happy fate transferred him to Mettray. But since the lamented death of M. de Courteilles, the additional labours devolving upon M. Demetz have rarely permitted him to continue this practice, and the duty is now performed by a *chef de famille.* Companionship on the journey—often a long one—from the prison affords him a valuable opportunity for acquainting himself with the character of the child; while the friendly intercourse it permits tends to inspire the lad with that confidence and affection towards his teacher which is perhaps the first step in his moral regeneration.

In the Annual Report for 1843 mention is made of a table suspended in the great hall of the colony, whereon were inscribed the names of all discharged colons who had been apprenticed, or placed in service, together with the information obtained every three months of their conduct. This record is continued to the present time. It is read aloud to the assembled colony when any new facts are entered, and the hope or fear of having their names thus quoted with good or evil tidings exercises a powerful restraint over the youths who have departed.

The Tablet of Honour hangs in the same hall. On the day of my visit it bore the names of upwards of two-thirds of the colons.

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In 1843 a society was formed, entitled "*Association de la Colonie de Mettray,*" the object of which is to unite in closer bonds the individuals admitted. The officers, from the director downwards, are members; and former colons, when they have attained the age of twenty years, become eligible after a period of at least two years from their departure from the colony, provided their conduct has meanwhile been irreproachable. Membership, which, as will be supposed, is esteemed a high honour, is now enjoyed by sixty-five former colons. An emblematic ring is its symbol. Inscribed within the hoop are the honoured names of Demetz and Bretignères de Courteilles, the founders of the association, and the words "*Dieu, Honneur, Souvenir, Alliance,*" signifying devotion to the will of God, and brotherly union among the members for mutual support, and for the succour of the unfortunate and the reclamation of evil-doers. On the exterior is the legend "*Loyauté passe tout,*" and two *relievi*, one representing a prison before which crouches a youth sunk in despair; the other displaying the neat dwellings at Mettray, and a kneeling child, his eyes raised in gratitude to Heaven.

An anecdote, illustrating the spirit which animates the wearers of the ring, I may briefly relate. An artisan having accomplished some work he had undertaken and received payment, met a friend with whom he repaired to a public-house, where he soon became exceedingly tipsy. Starting on his way homewards along the bank of the river Marne, singing and dancing under the influence of drink, he ran against a young man who was walking rapidly in the opposite direction. The shock jerked off the cap of the drunken man, and it rolled into the river. He forthwith fell upon the innocent cause of the mishap, and pummelled him might and main. The other perceiving he had to deal with a man out of his senses, parried the strokes as well as he could, preferring even to receive some sharp blows rather than hurt an adversary who was not master of himself. Other persons coming up put an end to the combat, and the stranger was peaceably pursuing his road, when cries of "Help! help!" brought him back with all speed to the spot. The drunken artisan, in his efforts to regain his cap, had fallen into the water and was struggling for life. None of the bystanders could swim. In a moment the young man had plunged, dressed as he was, into the river, and after twice diving had caught hold of the other and deposited him safe and sound on the bank. When the rest present had paid needful attention to the rescued man—quite sobered by his dip—all turned to thank and congratulate his generous preserver. He had departed, and was already out of sight, but upon the ground lay a ring which he must have dropped. It was recognised as the ring of the "*Association de Mettray.*"

A gift to the colony of one hundred francs or upwards constitutes the donor a *Founder of Mettray*; donations of less amount render him a *Subscriber*. Three former colons have become founders, and many are subscribers.

The friendly supervision over liberated colons known as *patronage*

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is maintained with unabated zeal. At this time it is being exercised over upwards of 1,500 individuals, or scarcely a hundred less than the whole number restored to liberty. More than 200 belong to the Department of the Seine, for whom a special agency was long since established at Paris, under the direction of the late Monsieur Paul Louis Verdier. His unwearied efforts, notwithstanding the demands of an arduous profession, and his unbounded self-devotion, secured its success—but it was at the cost of his own life!

The evils of short sentences have been keenly felt, and repeatedly demonstrated by the Director of Mettray. He is of opinion that the period of detention should extend until the colon has completed his twentieth year, when time will have confirmed both his physical and moral vigour, enabling him alike to provide by honest labour for his necessities, and to resist the temptations of ordinary life. Proof of the soundness of this opinion is afforded by the fact that by far the greatest number of relapses among discharged colons occur between the ages inclusive of seventeen and twenty-one. Thanks to the urgency with which M. Demetz has pressed the subject upon the attention of the *Procureurs-Généraux*, sentences have for some time past been gradually increasing in length; and though detention in many cases still falls short of the desired period, it has reached an average duration of six years.

It remains to speak of that branch of Mettray devoted to the reformation of youths belonging to the upper classes of society, whether in France or foreign countries, whose ill conduct has induced their parents or guardians to place them under the care of M. Demetz. The system adopted with them differs of necessity from that to which the colons are subjected. Its conditions involve separate confinement, strict seclusion from all but the Director (who alone knows their names) and the officers appointed by him to their care, together with ample opportunity for pursuing their studies under the direction of competent professors, and due provision for exercise and all other sanitary requirements. An entrance fee of 100 francs, and a subsequent payment of 200 francs per month, covers all charges except those for instruction in accomplishments.

The "*Maison de Correction Paternelle*," as this department is called, dates from February, 1855, and since that time 165 youths have been received. The average length of their stay is two months, but in some instances it has been found advisable to send them back to Mettray a second or even third time. The success which has attended this novel effort in the reformatory cause is surpassed only by the watchful care and wise benevolence to which that success is owing.* INDIVIDUALIZATION, which has been a fundamental principle in the Mettray system from the first, is here carried to its utmost limit. That the results attained with these boys should therefore be highly satisfactory will surprise none who are cognizant of the marvellous effect the same agency has wrought in Ireland upon hardened adult offenders.

* A similar department, I learn, exists at the Rauhe Haus, near Hamburgh.

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In the house appropriated to these youths there is space for twenty inmates, but room for more is required. The foundations are laid for a larger edifice, but the funds are yet wanting for its completion.

INTEMPERANCE.

Intemperance: some of its Causes, Consequences, and Remedies. By ARTHUR HOUSTON, A.M., *Professor of Political Economy in the University of Dublin.*

THE following paper is intended to be suggestive, and not in any respect exhaustive.

In treating of the consequences of intemperance I shall confine myself to tracing, more accurately than is generally done, the connexion between that vice and crime in general.

A large proportion of the crimes attended with violence which come under the cognizance of our tribunals are committed while the perpetrators are under the influence of liquor. Hence, it has by many hastily been inferred that intemperance is the cause of almost all the guilty acts done in the community, and that to reform public morals effectually, at least among the humbler ranks, it is necessary only to banish from use all intoxicating drinks. Though plausible, these conclusions are unsound. 1. The forcible extirpation of a vicious habit may result only in its appearance under a new form—the suppression of the traffic in alcoholic beverages might result in the formation of a taste for opium and tobacco, as it has among the Turks. 2. Intemperance is either occasional, *i.e.*, intoxication, or habitual, *i.e.*, drunkenness. The relation of each species to crime is different. The effect of the former varies with the individual. With one it manifests itself in mirth; with another, in maudlin benevolence; with a third, in brutal conduct and coarse language. From this it appears that it would be inaccurate to ascribe any criminal acts committed by a person of the last class solely to the influence of drink, since a sole cause always produces uniform effects. The true connexion between intoxication and crime appears to be this,—it destroys the balance between the various elements of the physico-mental organization, stimulating some and impairing others. It excites the animal propensities, and releases the preponderating forces of the natural disposition from the restraints imposed by fear, shame, prudential considerations, or habitual reserve. Intoxication, therefore, is not in general followed by crime unless in those of a naturally depraved habit of mind. Accordingly, it may be properly described as being a secondary cause of, a condition precedent to, the commission of acts of violence.* Drunkenness, however, habi-

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* This may be illustrated by the recent case of a youth who, having resolved on parricide, and feeling the want of physical courage to commit the act, deliberately primed himself first with liquor and then executed his foul purpose.

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tual intemperance, is a primary cause of crime. It involves, both in the relation of cause and of effect, a systematic disregard of the dictates of self-interest; a recklessness, and in the lower classes an extravagance leading to debt, despair, and dishonesty. The practical value of these distinctions is twofold. First, they show that even without the abatement of the habit of intemperance itself, much might be done through the influence of humanizing agencies to diminish the crime by which intoxication is now attended. Secondly, they serve to preserve the philanthropist from being led to expect too much from the suppression of drunkenness without the removal of the other agencies which aid in brutalizing the minds of its victims.

No plan for the removal of any of the evils which infest society can be thoroughly reliable which is not founded on a rigorous scrutiny into the causes from which it springs. Herein is the great weakness of the total abstinence theory. It pays no attention to any of the causes of intemperance, except that arising from the mere accessibility of intoxicant beverages. Such a system must be empirical, and depend for success on an accidental circumstance—viz., whether the obstacles, legal or moral, which it interposes are stronger or weaker than the unknown forces urging an individual to gratify his craving for the forbidden luxury. It is, moreover, liable to grave objections on other grounds. Total abstinence is an abnormal condition. Reflection must convince us that a discovery so simple, so inevitable, as that of fermented liquor, was designed by the Creator for some benevolent purpose, and not merely as a snare to entrap mankind into the commission of excess and crime. Revelation corroborates this view by the sanction it unmistakeably gives to the use of wine.* Hence, though we must admit that it is an infinitely less evil for a man to be a total abstainer than a drunkard, we cannot deny that it is a real evil, endurable only as a preservative against one incomparably greater. Compulsory total abstinence, even when disguised under the euphemism of a Permissive Bill, is, in addition to this, a serious infringement of natural liberty. To prevent a drunkard whose conduct is by his intemperance rendered so violent as to endanger the safety of his neighbours, to prevent him having access to intoxicating stimulants, would be a reasonable proposition; but to debar the temperate for the same reason would be about as sensible a proceeding as that of the general who should order the legs of his brave men to be amputated because cowards had an ugly knack of running away.

In speculating on the causes of drunkenness, one method would naturally suggest itself—namely, to observe under what circumstances

* I have heard it maintained that the wine provided miraculously at the marriage feast in Cana was unintoxicant—that it was temperance wine, in fact. The text of St. John's Gospel, however, directly contradicts this. The governor of the feast says, "Every man serves out the good wine first, and when (the guests) are drunk," (not "have well drunk"; the Greek is μεθυσθῶσι,) "then the inferior. You have reserved the good wine until now." It is the good wine makes the guest drunk. Rather a singular fact if it were an unintoxicating beverage.

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as to time, place, climate, occupation, &c., divergences existed in its prevalence: *e.g.*, were soldiers more intemperate than civilians, &c. Next, it would be requisite to investigate why these divergences existed, to search out the operative circumstances; and eliminate the inoperative. The principle so established would suggest the means for the extinction of the vice. I shall take a single example. Intemperance has faded out of the list of habits customary among the upper ranks. The better classes seem formerly to have been addicted to the habit for the following reasons:—

1. The proximate cause was that it was fashionable.

2. The source of the fashion seems to have been that in the progress of society they found themselves possessed of much spare time and much spare means, without an opportunity of spending either in rational enjoyment. Hence, hospitality became the order of the day; and as the capacity for consuming solid food is strictly limited, that of imbibing drink was naturally made the most of.

Further progress in civilization, however, placed within the reach of the opulent luxuries more truly delightful and perfectly harmless. A taste for art and literature, for music and the drama, banished coarse excess and disreputable brawls. The gradual increase in the price of the favourite beverage, wine, owing to augmented customs' duty, no doubt helped to hasten its disuse in the lower strata of genteel society.

On reflection, it will appear that somewhat the same causes have operated to render the working classes intemperate at the present time, as reduced their superiors to that condition in days gone by. The fashion prevails with them but too extensively. A young mechanic is not considered a lad of spirit unless he is able and willing, whether he enjoys the performance or not, to accept treat and stand treat in turn. Pretexts, moreover, are notoriously invented —such as "paying a man's footing," for "a glass all round." Again, the progress of national wealth has caused such a rise in wages, and such a restriction exists in the hours of labour, that the workman has generally some surplus both of cash and time. For the judicious expenditure of either he has but few resources available. The savings bank yields but two or three per cent. on his little deposits; the library of a mechanics' institute affords but small recreation for a mind which has been prostrated by the continuous strain on the physical powers. He goes to the dram shop for relief, and remains there through ennui.

A comparison of the two classes of cases above investigated would suggest some such remedial agencies as the following:—

1. The development of a strong feeling against intemperance among the working men themselves. They ought to be made to feel it as a reproach. Employers should systematically discountenance the habit; for instance, by forbidding the introduction of drink on the premises during the hours of work, and thus preserve the apprentices from contamination. "Take care of the boys," says Archbishop Whately, "and the men will take care of themselves."

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2. A taste for material luxuries of a refined nature should be sedulously cultivated among the lower orders, and intellectual enjoyments at the same time placed within their reach. If you would expel the "demon of drink" you must not leave the house "swept and garnished," but people it with spirits of light and beauty, lest seven devils accompany the former occupant on its return. Education will do much to place a man in a sphere where he will have access to the pleasures of mind; education, I mean, not only for the memory and the reasoning powers, but for the eye and the ear. The artisan of Paris is ever surrounded by objects whose presence would rebuke his inebriety. Let our own national collections of statuary, pictures, and curiosities, our public libraries, gardens, parks, and all places of rational enjoyment, be freely at the command of ours at home.

3. The extension of the co-operative system, especially that in which the labourer is partner with his employer, seems the most effectual method of providing a sufficiently attractive and convenient investment for the surplus earnings of the class with whom we are concerned.

Here I am inclined to add one remark more, though it does not spring directly from the comparison I have been instituting. Much of the craving for stimulants arises from severe toil in connexion with insufficient food. Might not masters find it practicable to give their operatives the choice of receiving a portion of their wages in the form of a substantial meal daily? Many young unmarried men have no one at home to prepare a proper dinner. Not a few reside too far from their place of employment to be able to go and return during the period allotted for their mid-day repast. Some are so extravagant as to spend their wages before the week has half expired, and, therefore, obliged to live from "hand to mouth" three days out of the seven. In all these cases a wholesome and plentiful meal, at which a small portion of genuine malt drink might be provided, if the nature of the men's employment seemed to render it desirable, would be a great boon, and, in my opinion, a strong antidote to the seductions of grocers', hucksters', and publicans' shops, where inferior articles are to be had on credit.

Intemperance and Pauperism; considered particularly in reference to the Severe Frost in London in the Winter 1860-1. *By* Benjamin Scott, F.R.A.S., *Chamberlain of the City of London.*

It is proposed on this occasion to view intemperance in connexion with pauperism, and in so doing to render available information obtained in London within the immediate sphere of the writer's observation, during the protracted severe weather in the winter of 1860-1. An answer will be attempted to the two following questions:—

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I.—Is the lamentable improvidence manifested by a large class of the people, resulting in their casting themselves upon parochial relief, attributable to any extent to intemperance?

II.—Can it be shown that systematic abstinence from intoxicating drink tends to promote habits of providence, of self-reliance, and self-respect?

To both these questions the writer replies affirmatively.

It may be needful to premise that the winter of 1860-1 was preceded by seasons remarkable for continuous rain, resulting in a deficient harvest, which again resulted in a rise in the price of bread and an augmentation of pauperism throughout the country. Shortly before Christmas, 1860, a severe frost commenced in London, which continued without intermission until nearly the close of January, 1861. The period of distress consequent on the frost cannot, however, be defined by the mere reading of the thermometer. For our present purpose it will be more satisfactory to date the period of distress from the time of the closing of the Thames, (the great highway of the commerce of London, which became greatly obstructed by ice,) until the period when business was resumed on that river, say from about Christmas, 1860, until the close of the fourth week in January, 1861. By reference to returns rendered to Parliament by the statistical department of the Poor-law Board, we are enabled to gauge the increased amount of pauperism in the metropolis resulting from the dearness of food, as well as to ascertain the augmentation which took place, consequent upon the inclemency of the weather. For this purpose we must compare the number of paupers relieved weekly, both before and during the period of distress consequent on the frost, with the corresponding weeks of the preceding winter.

The comparison of the corresponding weeks of December, 1859 and 1860, and of January and February, 1860 and 1861, respectively, furnish us with the following results:—

Periods of Comparison.	Number of Paupers relieved on last day of weeks respectively.*	Difference in Numbers between the corresponding weeks respectively.	Difference per cent.
		Increase.	Increase.
1859. Dec., 1st week	88,312	3,005	3·40
1860. Ditto	91,317		
1859. Dec., 2nd week	88,846	3,104	3·49
1860. Ditto	91,950		
1859. Dec., 3rd week	89,949	3,281	3·65
1860. Ditto	93,230		
1859. Dec., 4th week	91,665	3,572	3·90
1860. Ditto	95,237		
1860. Jan., 1st week	90,643	9,561	10·55
1861. Ditto	100,204		

* Exclusive of lunatics and vagrants.

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Periods of Comparison.	Number of Paupers relieved on last day of weeks respectively.*	Difference in Numbers between the corresponding weeks respectively.	Difference per cent.
1860. Jan., 2nd week	91,418	25,982	28·42
1861. Ditto	117,400		
1860. Jan., 3rd week	91,466	38,851	42·48
1861. Ditto	130,317		
1860. Jan., 4th week	91,473	35,535	38·85
1861. Ditto	127,008		
1860. Jan., 5th week	91,818	22,632	24·64
1861. Ditto	114,482		
1860. Feb., 1st week	91,697	13,307	14·51
1861. Ditto	105,004		
1860. Feb., 2nd week	91,923	11,709	12·74
1861. Ditto	103,632		
1860. Feb., 3rd week	93,061	8,854	9·51
1861. Ditto	101,915		
1860. Feb., 4th week	92,635	7,160	7·73
1861. Ditto	99,795		

These figures tell their own tale. We ascertain first, that, comparing the winter of 1859-60 with that of 1860-61, there was a general increase of pauperism in the latter period, as compared with the former, arising, doubtless, from the causes already alluded to; but, what is more to the point before us, and instructive to notice in connexion with our present inquiry, is the instantaneous and extraordinary increase of the numbers seeking parochial relief so soon as the supply of labour was interrupted. Nothing can more forcibly illustrate the improvidence of a large class of our labourers and artisans than to find them thus thrown upon the support of the public by the occurrence of one or two weeks of partial suspension of labour. It will be noticed that while the general augmentation of pauperism is represented by an increase of some 3000 persons receiving relief weekly, or an increase of between 3 and 4 per cent., up to the latter weeks in December, 1860, the increase rose immediately in the succeeding weeks of frost in the ascending series of 10·55, 28·42, and 42·48 per cent. respectively. These figures also prove that no less than 130,317 persons, many representing families, were in receipt of parochial relief in London during the third week of frost, being 38,851 in excess of the corresponding week of the preceding year. They do not, however, afford anything like a full representation of the facts, or express adequately the amount of improvidence of the labouring classes; for it must be borne in mind that, in consequence of a few telling appeals in the London public press, an amount of individual benevolence was evoked altogether unprecedented, and, as it afterwards appeared, even in excess of the requirements of the case.

* Exclusive of lunatics and vagrants.

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It was shown that in addition to the relief afforded by law, a sum of about £16,000 was disbursed in a few weeks to about 64,000 persons or families by the London police magistrates, as well as large amounts of relief afforded from other sources.

Let us now aggregate the force of these facts; that the first three weeks' partial suspension of labour (almost exclusively confined to the building trades and to labourers engaged on the river and in the docks) resulted in an immediate increase of nearly fifty per cent. of pauperism, notwithstanding the irregular and, to some extent, indiscriminate distribution of large amounts received by the magistracy, the clergy, the societies, and the Press; and we shall be able to form some estimate of the vast amount of improvidence which, notwithstanding the facilities offered by savings banks and benefit societies, left to so great an extent the contingency of an inclement winter unprovided for.

On the second branch of the inquiry, it being desirable to obtain some definite opinions of reliable public officers, application was made in the form of the following queries to the relieving officers of the several unions of the metropolis, more than one half of whom obligingly responded, and affixed their names to the information afforded:—

Query I.—Have you reason to believe that many of the applicants for relief during the distress of last winter had become destitute through their intemperance, and if so, what proportion would such applications form of the entire number of applications?

Query II.—Have you reason to believe that the relief given during the period in question, either in money or in kind, was applied in the purchase of intoxicating drinks?

Query III.—If so, please to furnish instances, if practicable, of course omitting the names of the parties.

Query IV.—Whether during this period any teetotalers were found among those who applied to you for relief, and if so, what number?

The replies to these queries contain many striking affirmations of the opinion that intemperance is one of the leading causes of pauperism.

In reply to the fourth query—Whether teetotalers were found among those who applied for relief, and if so, to what extent?—the replies were almost unanimously to the effect that, as a class, abstainers from intoxicating drinks were abstainers also from resort to parochial relief.

Having obtained this negative testimony in favour of the providence and self-respect of the abstaining class, application was made for information of a more positive kind, as it regarded the number of abstainers on the registers of the numerous teetotal societies applying for parochial relief, and the following queries were issued to all the temperance societies in the metropolis. More than two-thirds of the officers of these societies responded to this invitation, and affixed their respective names:—

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REPLIES TO QUERIES.

No.	No. 1. What is the numerical strength of your Society?	No. 2. What proportion of your members are connected with the Working Classes?	No. 3. Have you reason to believe that any of your members (and if so, how many) applied for Parochial Relief during the Distress of last Winter?
1	250	All 250	We never heard of one.
2	70	Six-sevenths 60	Feel quite confident that no member received parochial or other relief.
3	90	Two-thirds ... 60	None.
4	459	Two-thirds ...250	None.
5	350	All 350	About 10 or 11.
6	175	All 175	Three. Cause: Old age and past labour.
7	86	All 86	I have reason to believe none.
8	897	The majority, — say.....700	We are not in possession of any one of our members that applied for parochial relief.
9	300	The whole ...300	I am not aware of a single person.
10	300	Nine-tenths ...270	Two or three.
11	220	About 160	None, to my knowledge.
12	100	About four-fifths 80	I have no reason to believe that one did.
13	250	About nine-tenths 225	I know of but one,—a woman upwards of ninety.
14	70	All, with one exception... 69	I have no reason to believe that any member applied.
15	450	The whole ...450	I have inquired of our visitors, and they do not know of one.
16	150	Nearly all,— say.....130	I have not the means of giving information.
17	500	At least four-fifths.....400	To my knowledge, and from inquiries made, I am of opinion, none.
18	170	The whole ...170	I cannot find one on inquiry.
19	200	One-third..... 66	Certainly not; on the contrary, I have a Provident Society with some 150 depositors, the payments of which are kept up very regularly.
20	200	The largest portion,—say 150	I have every reason to believe that not one applied.
21	over 100	Nearly half ... 50	It has come to my knowledge that one member applied for parochial relief, being without work, in consequence of bodily infirmity.
22	230	95 per cent....218	Not one.
23	700	One-fourth ..175	Not one.
24	250	Two-thirds ...166	The Committee have every reason to believe that none of the members had occasion to apply for relief.
25	250	All.....250	The Committee are not aware of any applying for relief.
26	100	All.....100	Not one.
27	120	All.....120	None have received any relief.

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No.	No. 1. What is the numerical strength of your Society?	No. 2. What proportion of your members are connected with the Working Classes?	No. 3. Have you reason to believe that any of your members (and if so, how many) applied for Parochial Relief during the Distress of last Winter?
28	1727	Three-fourths, at least ...1,295	I have not known a single instance. I have read your question to our Committee, and have received answers to the same effect.
29	180	Nine-tenths ...162	Not any.
30	80 to 100	All,—say 90	I do not know of one.
31	300	The whole ...300	We are not acquainted with any instance.
32	400	A third.....133	I know of none.
33	250	At least three-fourths 187	Very few, if any.
34	100	All.....100	None.
35	250	Nearly all, say200	None.
	Total 10,344	Total ...7,947	

It appears, therefore, that out of 10,344 subscribing adult members of temperance societies in the metropolis, 7,947 of whom were artisans or labourers, not more than a score could be identified as having applied for parochial relief, besides which it is stated by several of the secretaries that not only did the members abstain from applying for parochial relief, but that they kept up, almost without exception, their periodical payments to the respective societies.

The statements and figures adduced, then, point all of them in the direction of the conclusions that improvidence is the offspring of intemperance and the prolific parent of pauperism, and also that abstinence from alcoholic stimulants promotes directly a spirit of self-reliance and self-respect, and of respect, moreover, for the pockets of the public.

In the metropolis of Ireland, it may be permitted very briefly to point out that the statistics of Ireland convey precisely the same truth—the intimate relation which exists between intemperance and pauperism, between temperance and self-reliant action on the part of the people. The home consumption of spirits in Ireland materially diminished during the last five years, the number of gallons being, respectively:—1856, 6,781,068; 1857, 6,920,046; 1858, 5,636,912; 1859, 5,748,534; 1860, 4,714,358—showing a falling off in consumption during the period of no less than 2,066,710 gallons per annum of that which is the staple drink of the class from which paupers are gathered. That this is not the result of emigration or inability on the part of the people to obtain the indulgence, had they desired it, is evident from the increased consumption of tea and coffee during the corresponding period, and the augmented number of depositors and their deposits in the savings banks. The consumption of tea and coffee increased in Ireland from 9,171,257 lbs.,

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in 1856, to 11,563,634 lbs. in 1859, an annual increase in the period embraced of no less than 2,392,374 lbs.; while between 1855 and 1859 there was an increase of 11,047 depositors in savings banks, and of £389,192 deposits, in the latter year as compared with the former. Now let us turn from these cheering indications of increasing temperance and providence to the gauge of pauperism, and the correspondence between temperance and self-reliance is again apparent. The total numbers in workhouses in Ireland from 1855 to 1860, and the total poor-rate collected in those years, are as follows:—

Paupers in Workhouses.		*Rates Collected.*	
1855	79,211	1855	£835,894
1856	63,235	1856	723,204
1857	50,665	1857	585,583
1858	45,790	1858	525,595
1859	40,380	1859	523,065
1860	41,271	1860	509,380

Showing a reduction of 37,940 paupers per annum and of £326,514 per annum rates collected. It is probable that many disturbing circumstances should be taken into account in dealing with these statistics, but the great and incontrovertible fact remains, and the moral which it conveys.

PUNISHMENT AND REFORMATION.

President.

THE RIGHT HON. THE ATTORNEY-GENERAL FOR IRELAND.

Vice-Presidents.

THE HON. JUDGE BERWICK. | B. LLOYD BAKER, ESQ.

Secretaries. | **Local Secretaries.**

GEORGE MELLY, ESQ. | REV. J. H. MONAHAN.
MARTIN WARE, JUN., ESQ. | P. J. MURRAY, ESQ.

In this Department are discussed the various questions relating to the Prevention and Repression of Crime; the reformation of the criminal; the best mode of secondary punishment; prison discipline; the management of reformatory schools and institutions, &c.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On the Spirit of the Acts in Force." By the Rev. B. Lynch.
"On the Treatment of Young Offenders." By Sheriff Watson.

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"Harmony of the Temperance Reformation with the Objects of the Social Science Association." By James Haughton.

"The Etiology of Drunkenness." By F. R. Lees, M.D.

"Traffic in Intoxicating Drinks on the Lord's Day." By the Rev. W. Caine.

"The Responsibility of the Women of Great Britain, with relation to Intemperance." By Mrs. Fison.

"On Death Punishment." By James Haughton.

"The Preventive Mission at Bristol." By Frances P. Cobbe.

DISCUSSION ON CRIMINAL LAW AMENDMENT.

On the reading of the paper by the Right Hon. James Whiteside, printed at p. 393, the following discussion ensued :—

Lord BROUGHAM said that his right hon. and learned friend had referred to the late Sir Robert Peel's share in the alteration of the criminal law, and he wished to observe that he had assisted Sir Robert in his exertions, by opposing him most bitterly and successfully upon the errors he committed in insisting on punishing forgery by death. He would do Sir Robert Peel the justice to say that he acted with the greatest possible fairness and candour, and afterwards assisted him in abolishing seven or eight other cases of capital punishment.

The RECORDER of BIRMINGHAM expressed his concurrence in Mr. Whiteside's views. He related instances to show that capital punishment always had the effect of increasing the number of the class of crimes for which it was inflicted. At the time Lord Brougham was Chancellor, a man for whom there was no palliation was convicted of a serious forgery. He (Mr. Hill) went to Lord Brougham to get him to use his influence to prevent the man from being executed. His lordship said the case was so bad that if the man was not executed, no one could afterwards suffer death for forgery; but that he would do what he could in the Cabinet. The matter was carefully discussed, and the result was that the man was reprieved, and in two years after the punishment of death for forgery was abolished. In the course of his observations, Mr. Hill stated that Peter Leopold, who had been Grand Duke of Tuscany, and afterwards became Emperor of Austria, abolished capital punishment altogether, and crime of all kinds rapidly decreased in the duchy.

Mr. D. C. HERON, Q.C., made some observations upon the paper of Mr. Whiteside, so far as it related to the codification of the statute law. The codification of the law had occupied the attention of the first jurists and statesmen of England from the time of Lord Bacon. The other details, such as the assimilation, the amelioration, and the uniting in one statute book of the criminal law of England and Ireland had received the full approbation of every jurist who had written on the subject for the last fifty years. With respect to the abolition of the confiscation of property as one of the incidents of punishment, there were many cases in which that abolition ought not to take place. For example, if a person by means of fraud accumulated large property and invested it in land, neither he, upon conviction of felony, nor his family, ought to retain that property any more than a pickpocket should be allowed to retain the purse he was convicted of stealing. The only way to consolidate the law practically was to take up particular portions of the law and consolidate gradually, but any general codification was impossible so long as it had to pass an assembly consisting of over 600 members, every one of whom was entitled to speak upon and criticise details. The only two instances in history of a general code being passed successfully were the Code Justinian and the Code Napoleon. They were both passed by despotic Governments. For the one the approval of the Emperor, and for the other the approval of the First Consul, alone were required to give validity and force. But so long as they had Parliamentary government the difficulty of passing one code must exist.

The PRESIDENT expressed his concurrence in the views put forward in Mr. Whiteside's paper.

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DISCUSSION ON THE PROPRIETY OF THE SENTENCE OF THE JUDGE IMMEDIATELY FOLLOWING THE VERDICT.

Mr. Foot having read his paper on this subject, printed at p. 404,

Mr. Gernon wished to know if Mr. Foot would make any distinction between the cases of prisoners found guilty after trial and those who plead guilty. He thought in the latter case it would be expedient to delay passing sentence, in order to afford an opportunity of making inquiries as to character. He had great doubts as to the correctness of the theory. He thought the judge should have full time for reflection. Judges were but mere men after all, and in many cases might be so carried away by a feeling of indignation at the enormity of a crime, as to pronounce too severe a sentence. That would be avoided by deferring the pronouncing of sentence for some time. Besides, the taking time for reflection invested their sentences with a far greater appearance of impartiality in the eyes of the people.

Mr. P. J. M'Kenna quite agreed with Mr. Foot. The moral effect of a sentence was quite destroyed by the fact of its being pronounced by a judge in an empty court at half-past nine o'clock in the morning, when a whole batch of prisoners were "polished off" at once. As to Mr. Gernon's objection that a judge would not have time to inquire into the character of a prisoner, it should be remembered that, whether in the case of persons who plead guilty or are found guilty, witnesses as to character must be examined on oath then and there.

Sir Baldwin Leighton declared that his experience as an English magistrate was entirely in favour of Mr. Foot's theory. He thought it very desirable that those who had heard the trial should hear the sentence. Another reason in favour of it was that it was very hard to keep a prisoner in the cells two or three days while awaiting sentence.

Mr. Sheriff Watson said the mode of proceeding in Scotland was, as a general rule, to pronounce a sentence immediately after the delivery of the verdict. He thought it a cruel thing to keep a convicted prisoner in suspense as to his fate for some days.

Mr. Baker thought the question of the moral effect produced by the hearing of the sentence by those who heard the trial was greatly overrated. The part of a court set apart for the lower order—the class intended to be benefited by the hearing of the sentence—was so situated that very little of the proceedings could be heard.

Mr. Devitt said Mr. Baker was under a mistake as to Irish assize courts, which were always thronged by the lower order of people.

Mr. Gernon said it was not the fact that sentences given at the end of assizes were given before empty benches. Surely the friends and sympathizers of the prisoners would not desert them.

Mr. Foot said he had frequently known the books to be ruled in the presenc merely of the clerk of the Crown. He remembered a case of faction fight when large number of persons were tried, and crowds journeyed twenty miles to hea the trial. The assizes lasted thirteen or fourteen days, and the sentences were no pronounced till they had closed. What was the result? The whole moral effec was lost, as they were pronounced in presence of the prisoners themselves and the jail officials only. During the tithe agitation, the Insurrection Act decreed that prisoners convicted of agrarian offences should be at once sentenced and transported from the dock. The moral effect produced thereby could not be overrated.

DISCUSSION ON THE IRISH CONVICT SYSTEM.

On the reading of the paper by Captain Crofton, printed at p. 419,

Lord Brougham said—It is hardly necessary to state with what deep interest I have heard the able and lucid statement of Captain Crofton. There is but one

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sentence in it which I can say I not only lament but disapprove: I mean that in which he talks of his own retirement. With Captain Crofton's retirement retires my confidence in the system; and I look forward with absolute dismay to an experiment tried for the next two or three years, and then at the end of that time we shall find that it has failed because Captain Crofton has retired.

The Recorder of Birmingham begged to add his lament to that of Lord Brougham as to the retirement of Captain Crofton. He offered himself as a witness of the surpassing excellence of the Irish convict system, and he trusted that he would not have—borrowing the words of Grattan—"to follow its hearse to the grave." Mr. Hill then proceeded to deliver some remarks on the English and Irish Convict Systems. He paid the highest tribute of admiration to the latter system, founded in 1854, on the principles that good conduct should shorten the term of punishment, and that inducements to better their condition should be held out to all. Its means of operation were instruction and incitement. Instruction diminished the necessity for powerful incitements of an immediate kind. These, therefore, gradually decreased, till in the intermediate stage they could hardly be said to exist at all. But as they decreased the expectation of liberty increased, and that expectation, combined with the good principles imbibed, and the good habits acquired, operated to insure sedulous regard to duties, however irksome and onerous. With regard to the advantages of discharge on license, they were these,—First, the prisoner had obtained his discharge by his own exertions, and his motives to do well were strengthened by his liability to have his license withdrawn. License was withdrawn without the commission of a new offence, but on proof that the holder had entered on a course of life which showed his reformation to be incomplete. To carry out this scheme police supervision was necessary, but that supervision was not necessarily hostile, and in the vast majority of cases it was the very reverse. Belief in the possibility of reformation, though it had not pervaded the whole of society, was yet the faith of nearly all who were brought into contact with the criminal classes. Prison officers and police often afforded assistance to prisoners. The Birmingham Prisoners' Aid Society had been founded by prison officers; and under the Irish system the chief officers of the police were not only friends and advisers, but protectors of the licenses, warding off suspicion from them by showing that they were in honest employment, and testifying to their good conduct. Mr. Hill paid the highest compliment to the great energy, ability, and perseverance of Captain Crofton, who had placed the Irish convict system in its present successful position.

Mr. C. Cobbe, as one of the magistrates resident in the immediate neighbourhood of the convict depôt at Lusk, stated that he had never heard a whisper of bad conduct on the part of the prisoners there. He believed even bad language was not heard amongst them. He knew that they loved Captain Crofton, and had been exceedingly distressed by his illness.

Mr. Organ, in reply to a question from the Rev. Mr. Fish, said there was no hesitation felt in employing the men under the convict reformatory system. Employers of the highest social eminence in the county and city of Dublin often came to the prison gate, and inquired if there were any men eligible for employment. The demand for men frequently exceeded the supply, and it was the case at that moment.

Mr. P. J. M'Kenna said there seemed to be some delicacy about the cause of Captain Crofton's retirement; but he should say, that to him it was plain that its cause was the leaving Captain Crofton without a colleague, owing to the ill-timed economy of the Government. There should be some strong expression of opinion on the matter.

Mr. Baker said he hoped such assistance would be given to Captain Crofton as would enable him, notwithstanding his ill health, to retain the head direction of the convict system.

Mr. Haughton suggested that a resolution be adopted recommending the consideration of the question to the Council.

The President heartily concurred in everything said relative to Captain Crofton. No one could more regret the loss of his services, both on private and public grounds. With reference to the non-appointment of a successor to Mr. Lentaigne he should say that it had not been determined at all not to fill up the

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situation, but merely to take time and consider if it were necessary. He hoped the determination would be such as would enable them to induce Captain Crofton, if he felt justified, in holding his post.

TREATMENT OF YOUNG OFFENDERS.

Mr. Sheriff WATSON read a paper "On the Treatment of Young Offenders," founded upon the method pursued in the Aberdeen schools, and the beneficial results attained.* In concluding, he said it had been strongly urged on the Government that the industrial school should receive a share of the Parliamentary grant; but it appeared to be the principle of Government to give only to those who were able to do something for themselves, and to increase the grants in proportion to the ability of the receivers. If this principle had been acted upon by the patrons of industrial schools, little progress would have been made in the suppression of vagrancy and crime, and the town and county of Aberdeen would still be overrun with juvenile vagrants, and the prisons would be a receptacle for juvenile thieves. When lately examined before the Committee of the House of Commons, he had stated his opinion that Government should allow the managers of industrial schools one-third of the aggregate cost of each child, that being about the proportion expended on the education department.

On the reading of the papers by Mr. Murray and the Rev. Mr. Monahan, "On the Irish Catholic and Protestant Reformatory Schools," printed at pp. 461—473, and on that of Mr. Fish, printed at p. 473, the following discussion took place:—

Mr. GREER alluded to some cases where the managers of reformatories refused to admit boys sent by the magistrates, the result of which was that the young offenders had to be discharged without undergoing adequate punishment. That seemed to be a defect requiring remedy. He desired to know whether the same defect existed in England. There was a mixed school in Belfast, and he had considerable doubt whether this was not an infringement of the Act, which said that the boy should be placed in a reformatory under the exclusive control of persons professing the same religion as his parents or guardians. In some parts of the country prejudices existed against the system on account of its expense—7*s*. per week for the maintenance of an inmate as against 2*s*. per week for a pauper.

Judge BERWICK said that it was he who had framed the Irish Reformatory Act. The distinct object of the Act was to secure the transmission of children to reformatories conducted by those of the same religious persuasions as themselves. Every one who knew anything of Ireland was aware of the strong feeling that existed about the interference of one religious persuasion with the children of another. The Irish Reformatory Act was, in the first instance, thrown out of Parliament, in consequence of the principle of exclusive religious training not being fully and absolutely recognised. The present Act was framed, as Mr. Murray, the originator of it, knew, to secure the religious training of the child in the same persuasion that his parents or guardians professed. He (Judge Berwick) was a supporter of the National System of education. He was for the mixed system in the secular education of the children of the whole country. That principle he held to be the proper one to adopt, and he never heard an answer to it. But, on the other hand, with respect to children involved in crime, who are

* See *Trans.* 1860, pp. 505—513.

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to be reformed, he conceived that no education for that purpose was of any use except it included religious training; and, in providing for that religious training, so deeply important to the future prospects of the juvenile offenders, the Act distinctly provided that the child should be sent to a reformatory under the exclusive management of persons of the same religious persuasion as his parents or guardians. There was no difficulty in carrying out the Act. As to the expense of the system, that was but a trifling matter in comparison with the injury that would result to the country if the system were allowed to drop.

The Rev. Mr. Fish, in the course of some remarks, said there was a convention between him and the Catholic clergyman who managed the Catholic reformatory in his district, by which any child sent to the wrong reformatory, owing to a mistake as to his religion, was sent back again. That convention was always strictly adhered to, and why could it not be followed elsewhere? Between the two reformatories, there was not in the East and North Ridings of Yorkshire a single boy who had been twice convicted. He hoped that managers of reformatories would always have power to say "yes" or "no" to the cases sent by the magistrate. Many cases were necessarily refused in England, and often the magistrates knew nothing of the position of the reformatory as to accommodation, or, indeed, of the Act they administered.

The President said that he considered the paper by Mr. Fish one of the greatest importance and interest. That gentleman had great experience in reformatories, had long managed one at Castle Howard, in Yorkshire, under the auspices of Lord Carlisle, with the greatest success. The authority of his paper should therefore be very great.

Mr. J. Haughton said there was really very little room for discussion on the subject. All that he had heard tended to the conclusion that reformatories had been most successful. He himself had at one time objected to them, as tending to make parents and guardians careless of their children. But since he had learned that a legal power existed to compel them to contribute to the support of their children in reformatories, that objection had been overcome.

The Rev. Mr. Lynch read a paper entitled, "Observations on the Spirit of the Acts in force in England and Ireland for the Reformation of Juvenile Delinquency," in which he refuted the ordinary objections to the reformatory movement, viz., that the reformatory system is a direct encouragement to vice, and that it involves too great an expenditure of public money to justify its adoption. Mr. Lynch denied that there was any truth whatever in the former objection. If it had been true, the number of juvenile delinquents must have increased, whereas it was well known that the contrary result was proved. The reformatory system had fully and adequately accomplished its ends, and the children subjected to it had been thoroughly and permanently reformed. The second objection Mr. Lynch met by instituting a comparison between the expense of reforming a young offender and that of prosecuting, convicting, and punishing him as an habitual criminal.

INTEMPERANCE.*

The subject of intemperance has frequently occupied the attention of the Association, though not more frequently than its importance, as perhaps the greatest of our social evils, demanded. The fullness with which it was discussed at the Glasgow meeting, and

* See *Trans.* 1859, pp. 451—456; also, *Trans.* 1860, pp. 525—556, and *Summary*, p. 567.

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the comprehensive and almost exhaustive papers on the subject, included in our *Transactions* of last year, rendered it necessary, in order to avoid repetition, to exclude from publication the excellent papers of Dr. Lees, Mr. Haughton, Mr. Caine, and Mrs. Fison. Of the two former we give brief abstracts. The latter have been made public through other channels.

Dr. F. R. Lees read a paper "On the Etiology of Drunkenness, and its Relation to the State." He brought forward the statement that the action of alcohol upon life was that of a poison, exhibiting itself in an arrest of vitality, as the latest conclusion of physiological science on the subject. He held that the only proximate and universal cause of drunkenness was the use of intoxicating drinks, a use arising not from any social condition, but from a belief in their excellence. As pathological or morbid agents, their use tended to generate an appetite for their increased use in time and measure. Custom had also sanctioned that use. Ignorance and usage having done their worst, and originated the national craving for drink, matters were aggravated by empirical legislative remedies. Above 450 Acts of Parliament, in less than so many years, had been passed to stop the result, by licensing the cause, to lessen the appetite by increasing the facilities for its gratification. Dr. Lees pointed out the bad effects of the increase of public-houses. "A flourishing public-house," he said, "was synchronous with a well-tenanted poor-house, a busy hospital, a full asylum, and a crowded jail." Dr. Lees concluded nearly as follows:—"It cannot be fitting that the State should license an immoral dehumanizing trade like this, and become, in effect, the agent and distributor of that which interferes with its own function as protector, as well as with the civilization of the age. To license the facilities for crimes, and the exciters of it, is to become accessory to crime itself. The State reposes upon the knowledge and self-control of its subjects; and to open houses for the sale of that 'brain poison,' whose special function is to provoke misrule, to destroy self-government, and becloud the intelligence, is a kind of social suicide. To do this, on the plea of revenue, is to kill the goose which lays the golden eggs, to shorten the lives and diminish the number who pay taxes, and at the same time to increase immensely the burdens, the difficulties, and the dangers which render taxes needful or justifiable. Moreover, the license system is an anomaly in legislation. It is based on no principle, is vindicated by no success. From first to last it is a history of patchwork and of failure. 'The present law,' says Sir James Kay Shuttleworth, as foreman of the Liverpool grand jury, in their presentment to the judge, August, 1859, 'neither effectually promotes wholesome restraint, nor is it consistent with an unfettered trade.' Publicans dislike, and the public detest it. It is sustained neither by morals nor intelligence, and is held together only by the profits of some influential brewers in Parliament, and by the conservatism of opinion in the House. The maleficent relations of the liquor traffic to the great interests of the State no one is rash enough to deny.

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Whether viewed in the light of ethics, or of political economy, or of social order, this matter demands serious attention and prompt settlement. In the words of the grand jury, from whom I have already cited, 'no graver question of domestic legislation awaits the action of the executive government.' To enumerate only a few of the evils of the drink traffic:—In destroying many millions of quarters of grain, it enhances the market-price of food. In forcing us to seek abroad a supply of bread-stuffs, necessitated by the destruction of grain at home, it occasions the exportation of gold, and the needless loss of labour and value in the transit. It absorbs, in destructive consumption, about twenty millions of the wages of the labourer, as well as induces much loss of time, and thus diminishes the floating capital and the wage-fund of the country. In doing this, directly, it creates seven-tenths of our pauperism, two-thirds of our lunacy, one-half of our disease and premature death, and in total cost and consequences entails a yearly loss of not less than 100,000,000 of pounds sterling upon the inhabitants of the United Kingdom. If we are agreed, then, as to the magnitude of the evil of intemperance, as to its connexion (to the extent of, at least, three-fourths of the whole) with the traffic, and as to the principle on which we may proceed to deal with it, the last question relates to the method of action. An influential writer, Mr. Isaac Taylor, says, 'Drunkenness is first to be thought of as a grievous violation of public order; it is the immediate and the most frequent source of crimes of violence; it is the cause of domestic misery, and of the disease, and of the destitution, which afflict, and which so heavily press upon certain classes of the community, and which throw a fiscal burden upon all. On these grounds, therefore, the community—the public mind—the public force—needs be restrained by no scruples in dealing vigorously, and as best it may, with a vice by which so many of the guiltless are injured.'* But the community must act, either directly, by its voice in districts, or representatively, by the law of Parliament, operating nationally. Both modes of action have their advantages and disadvantages, and the choice will partly depend upon the nature of the subject, and partly upon the character of the people. In regard to the liquor traffic, I prefer, on all accounts, the plan which would leave the decision of this question (as at present is done imperfectly) with the district. The only alteration proposed is in the extent of the constituency. Instead of a few magistrates being permitted to decide whether this or that house should be licensed in any neighbourhood, I would have the absolute power of veto extended to the neighbours themselves, who must best know whether any such business is required amongst them for their convenience, and knowing, will decide free from improper interest, association, error, and prejudice. Such a power, the exercise of which is to be dependent upon a vote of a majority of not less than two-thirds, cannot possibly be exercised prematurely, and must neces-

* "Ultimate Civilization," p. 338.

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sarily be the sequel to a long course of discussion, registering the self-denial, the virtue, and the intelligence of the community. Imperial laws, on this subject, would certainly be premature at the present time, and give rise to neglect, evasion, and other evils, in many districts; but the principle that allowed the introduction of prohibition into districts would grow, until the whole country became unanimous; not anywhere preceding public opinion, it would quietly and naturally extend, until an imperial law would simply index the census of facts. This plan has another advantage; it will not postpone the proper fruits of a ripened intelligence existing in one district to the distant day when the passiveness, interest, or ignorance of a great part of the nation collectively shall be overcome. It will enable the social reformer to reap as he goes on, thus cherishing his own faith in progress, and stimulating other districts to action in the same direction as his own. For example, there are 104 parishes in Scotland now, containing a population of 80,117, without a liquor licence of any kind; would it not be a palpable evil to inflict such a thing upon them by an imperial enactment? If so, it must be equally wrong to prevent parishes getting rid of these curses, when they desire it, on the ground that all other parishes are not ready. That such a power is felt to be necessary and just has been very recently made evident by a complete canvass of the town of Plymouth, the place from whence proceeded a petition to Parliament asking for the power to deal with the traffic, signed by above 11,000 persons. Written returns from the adult inhabitants were obtained, in reply to the question, 'Are you for the Permissive Bill to prohibit the liquor traffic,' to the following purport:—For the Bill, 17,136; against, 840."

Mr. Haughton read a paper on "The Harmony of the Temperance Reformation with the Objects of the Social Science Association." The author strongly advocated the general spread of temperance amongst all classes, and the effectual carrying out of this object by legislative enactment against the use of alcoholic stimulants. He was of opinion that many whose efforts in the promotion of the total abstinence movement would produce immense effects did not enter into the work, because they would be obliged, if they did so, to become total abstainers themselves; and this refusal to make a self-sacrifice the author deplored, but trusted it would yet be overcome. He adduced statistics to show the extent of the traffic in intoxicating drinks in the United Kingdom, and argued that all the money thus expended was in the main a great loss to the country, besides doing much injury to the people.

MISCELLANEOUS.

Mr. Haughton read a paper "On Death Punishment," in which he advocated its abolition and the substitution of a secondary punishment. He said it was well known that the question had long engaged

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the consideration of many of the best and wisest men in every civilized country, who had felt that the extreme punishment had its origin in the barbarism of the early ages, and that, as society advanced out of this barbarism into a higher condition of civilization, it should be superseded by a system more in accordance with principles of equity, benevolence, and Christianity. As society advanced the demand for the abolition of death punishment became more and more absolute. In some countries it was erased from the statute book; in others the public voice was raised for its abolition. In this country death punishment remained on the statute book for six or seven crimes; but, practically, it was only enforced against one—namely, murder. The relaxation of the criminal law had in nowise tended to lessen the security of life and property. No one would contend that, for the better preservation of life and property, we should return to those bloody times when the scaffold demanded its victims for some sixty or seventy crimes, that are now more effectually prevented by humane punishment.*

Miss Frances P. Cobbe read a paper on the "Preventive Mission at Bristol," in which she pointed out the aid and protection given by the Mission to young females, and argued that a system which had proved so successful deserved general attention and trial. The truest principle of Social Science was well expressed by a Russian gentleman:—"God has not so constituted the world but that there are laws which, when we discover and obey them, will remove the mountain of woe and suffering under which our fellow-creatures are groaning." One of the laws of safety for young girls was kindly and prudent guardianship, and the object of the Mission was to place friendless girls under the care of ladies interested in their welfare. In Bristol, where the Mission was in full operation, 1000 poor girls were assisted in two years, at an expense of £500. Workhouse girls in towns and cities, owing to their defective training, had special claims upon our consideration.†

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* See *Trans.* 1857, p. 285; also *Trans.* 1859, p. 487.

† This paper has been published as one of a series of tracts on Social Questions by Miss Emily Faithfull.

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PUBLIC HEALTH.

THE CONDITION OF THE PUBLIC HEALTH.

On the Physical Degeneration of Town Population. By JOHN BEDDOE, M.D.

IN a former paper, read before this Association at the meeting of 1857, I called attention to the rapid increase of town populations in this country, and to the physical degeneracy which seems hitherto to have accompanied it. The subject has lost none of its importance since that time; in fact, the revelations of the recent census, though they only confirmed the conclusions of those who had directed attention to it, still more imperatively call us to its consideration. It appears that we, who, down almost to the beginning of this century, were, as compared with the Germans, Hollanders, French, and Italians, characteristically a race of villagers and country people, are rapidly becoming concentrated into urban communities. In purely rural districts the population diminishes, not indeed by the employment of fewer hands in agriculture, but by the extinction of small handicrafts, the emigration or removal into towns of the village artisans, and, what is socially very important, by the removal of the wealthy and independent into towns for the sake of the advantages of society and education, or into watering-places, the favoured maritime districts, for the sake of health or pleasure.

It appears that not only does more than half of the entire population of England and Wales dwell in towns, but that more than a fourth is cooped up in the metropolis, or in other cities having a population of more than 100,000.

In Scotland, about 900,000 persons, or nearly one-third of the population, live in the eight principal towns, of which Glasgow, the largest, is rapidly increasing. In Ireland, towns are as yet comparatively few and small, and during the past ten years, many of them have shared in the general decline of the census; but it is noteworthy that the largest two, Dublin and Belfast, follow the rule of Great Britain rather than of the sister island.

Not to speak of moral qualities, it must be allowed that in nations, as in individuals, the greatest amount of physical vigour and hardihood by no means always accompanies the greatest size and stature. But if we examine only a single race at a time, we shall find, I

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believe, that wherever that race attains its maximum of physical development, it rises highest in energy and moral vigour, and, in short, produces the kind of men most serviceable to the State. Thus, the inhabitant of Oude or Rajpootana is as superior in courage and energy to the puny Bengalee as he is in bodily conformation. And to come nearer home, what are the portions of Great Britain which produce the finest and largest men? I should be disposed to answer, "Yorkshire, Northumberland, &c., Cornwall, and Scotland, generally." And certainly these are provinces which produce more than their share of able, energetic men.

Civilization, rightly so called, should, one would think, by giving to every one greater and more uniform command over the necessaries and comforts of life, tend to increase physical vigour, as it does to lengthen the average duration of life. Such cannot, however, be proved to have been the case up to the present time.

Civilization has at all times been connected, essentially as well as etymologically, with the aggregation of men in cities—in fact, it is difficult to conceive of one without the other—and the physical degeneration of the species in many civilized communities arises from causes which for the most part operate more powerfully on citizens than on country people. Such are the withdrawal of many individuals from agricultural and pastoral pursuits, carried on in the open air, to sedentary employments and close, crowded workshops.

The aggregation of young persons, and their exposure to the many indefinable influences which constitute city life, seems to have an effect in hastening the period of puberty, so that the limit of growth is sooner attained in the city than in the country. This has been demonstrated by the observations of M. Quetelet. Again, hardly any agency that can operate on a race to its detriment is better ascertained to be a cause of physical degeneracy than is the abuse of alcoholic liquors, of which the generally higher wages of labourers in town give them greater command. Some importance may perhaps be assigned to the more stimulating and less nutritive quality of the food supplied to growing children, to the frequent absence of breast-milk among the women, and the deficient supply of wholesome unadulterated cow's milk, whereby the want might be supplied. White wheaten bread, which forms the staple food of most children in our great towns, is ill adapted to supply the economy with those earthy salts which are so necessary for the building up of new tissues. Lastly, the vitiation of the air even of the open streets in towns, which has recently been shown by chemical tests to be far greater than had been supposed, and the further deterioration of that contained in the small, crowded, and often unventilable dwellings of the town poor, while it undoubtedly acts as a cause of disease, may well be believed, though it cannot be proved, to depress the vital energies of growing persons to such an extent as to affect their physical development.

No better example could be pointed out of the effects of almost all these causes combined than the puny and unhealthy offspring of many of our excavators, that stalwart class of men whose size and

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physical power have been the astonishment of the labourers of many another country.

The diminution of mortality in particular towns which has already rewarded the exertions of our sanitary reformers is not necessarily, when viewed from the point I have taken, an unmixed good, for it may be that a great portion of the lives thus preserved are those of the weakly and physically degenerate, who are thus afforded the opportunity of transmitting their defects to another generation. And here it is pertinent to remark, that infanticide, which is or has been practised extensively among both civilized and uncivilized nations, has been usually inflicted on feeble and puny children, who have thus been as it were weeded out; and accordingly some of the peoples most deeply stained with this crime have been remarkable for their fine physical development: such were the Spartans and ancient Norsemen, and such are the Rajpoots of Hindostan at this day.

The further prosecution, however, of the measures which are already saving so many lives may be expected to give increased vigour to the general population, by diminishing the causes of disease. This double effect may be expected from improved sewerage and water supply, from the adoption of really effectual measures to repress the adulteration of food, from the rigorous limitation of the numbers received into lodging-houses, from the multiplication of parks, gymnasia, playgrounds, baths, &c., and from the dissemination of a knowledge of the laws of health among all classes.

There is great room for improvement in all these respects, and so there is also in two or three other points on which I will enter a little more into detail. One of these is the plan generally adopted in building model lodging-houses and dwellings for the labouring classes. Lord Stanley, in an address to this Association, has spoken of the greater vertical elevation of modern houses as an improvement. It appears to me, however, that, not to speak of the inconvenience and the detriment to the health of weakly persons involved in the frequent ascent of a number of stairs, it is worth consideration that the specific density of population increases pretty nearly in the ratio of the increased height of houses, and that Dr. Farr has shown that, *cæteris paribus*, the rate of mortality varies directly as the specific density of population. Again, if the freer exposure to air and light of a tall building be the supposed advantage, it must be remembered that this exposure, and consequent capacity for ventilation, is purchased at the cost of overshadowing and confining the adjacent streets and contiguous lower dwellings, as also that it will be completely lost if these are raised to the same height with the former. Again, it is advisable to take heed that in our zeal for the education and elevation of the minds of poor children, we do nothing that can stunt their bodies or implant disease in them, which is assuredly done not seldom by assembling large numbers of little children in a small close schoolroom: I have sometimes observed the children of decent mechanics and labourers to be pining and growing pale and scrofulous

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for want of fresh air, because they were withheld from running freely about the streets, as those of less orderly and careful parents were allowed to do.

Lastly, a word on the dietaries of workhouses, schools, and orphan asylums. Those of the first class of institutions were a few years ago notoriously and disgracefully insufficient for the nutriment of growing children, but of late years they have been considerably amended; and it is particularly satisfactory to see that milk now enters largely into many of them, though more so in the north than in the south of England.* There are, however, other institutions for the rearing of children, whose dietaries, if carefully looked into, might be found deficient in quantity, quality, or variety; and to this defect, and to the crowded unventilated state of class-rooms and dormitories, as well as to errors in the moral management of the children, are to be attributed many of the pale, spiritless faces, bleared eyes, and scrofulous aspects, which are almost as diagnostic of a charity school procession as is the uniform garb.

Some Observations on the Social and Sanitary State of the Labouring Classes in Ireland. By THOMAS FITZPATRICK, M.B.

THE part of Ireland on which my experience has been chiefly founded is a district embracing the north of Meath and a large portion of the adjacent county of Cavan; but from what I have learned, on competent authority, respecting the peasantry in other portions of the country, I believe that in the debasement of their social habits, and their ignorance of sanitary laws, they approach in all places to a painful level of uniformity. The causes which have more immediately tended to bring the people to this condition are of a twofold character, and may be described as partly external and partly internal. By external, I mean such material circumstances as are embraced under the heads of habitation and wages; and by internal, those which depend on the acquired habits of the individual, and by which he is rendered more or less capable of affecting, or being affected by the former. Much, however, as the condition of the people for good or evil may depend on the influences arising from these two sources, and frequently as they are found conspiring to aid the downward progress of the poor, a very slight examination will serve to show us that they do not invariably stand to each other in the relation of cause and effect. For, if we take the body of the peasantry in any district of the country it will be found, according to my experience, to consist in varying proportions of at least four

* Their greatest remaining fault is, perhaps, the dividing of the daily rations of children two years old into the same small number of meals which is suitable to adult constitutions.

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classes of persons, each of which differs from the others in the most marked degrees, with respect to the quality of their habitations, their clothes, food, wages, and means of subsistence generally. At the head of this list I would place the small farmer, so called, who holds from five to fifteen acres, and generally possesses a horse and cow, sheep, poultry, pigs, and other sources of emolument. Next to him, in point of worldly means, come herds and other skilled labourers, who are generally lodged in comfortable dwellings, and have grazing and other allowances given them by their employers. Then, there are the ordinary labourers, who work regularly on the farm or estate, whose comforts are more or less looked after, particularly in times of illness, and who draw fair wages all the year round.

Lastly, I would place a class amongst whom the acme of want and wretchedness is to be found,—those outlying populations, as they may be called, who are squatters on the neglected property of some poor or absentee landlord, or some distant corporate body, and who are indebted for their own subsistence, and that of their families, to the chances of occasional work. Specimens of this class of persons are to be found in every locality, and it may be conceived how slender are their earnings when I state, that in several such cases which I have investigated during the six months from last November to May, the wages generally averaged under four shillings per week. But the point to which I wish principally to direct attention is, that amongst these several divisions of the labouring classes, separated, as I have said above, by such well-marked distinctions, we shall find the common features of a gross want of cleanliness and ignorance of all sanitary rules, utter indifference to comforts and decencies the most easily attainable, and a marked absence of steady habits of industry and economy. Hence, it follows, that the evils, which it is in some measure the object of this paper to point out, are not in all cases dependent on the external circumstances of the labouring classes; and, however much we may deplore the miserable character of their habitations, in many instances, we must yet feel convinced that a change for the better in this respect would be only one step towards their ultimate improvement. Good cottages will demand an improved class of poor, just as much as the poor require an improved class of cottages.

That improvement is urgently demanded in the latter respect as well as the former must, however, be evident, if we consider for a moment the unwholesome character of these dwellings, their inevitable tendency to favour the accumulation of filth, and their consequent influence in lowering the *morale* and depraving the habits of the people.

The usual Irish cabin is invariably built without the slightest regard to situation or soil. The four walls of which it consists are formed either of stones loosely piled together or of clay, the latter material being esteemed preferable, on account of its greater warmth. In the interior it is generally divided by a partition into two apartments, one of which is called the kitchen, and the other the room.

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In the former, the fire is kept burning, and the meals are eaten; while in the latter, the principal portion of the family sleep. It is their invariable practice to render this room as close and stifling as possible. Using that little understood term, ventilation, in even its loosest sense, it possesses none whatever, the only access for air being the door which communicates with it from the kitchen. I never remember to have seen this apartment furnished with a fireplace; and even where an aperture exists under the name of a window, its dimensions are so restricted, as to embrace only one small pane of glass firmly imbedded in its centre, and which serves merely to admit a little light, without the smallest accompaniment of air. Even the former advantage is so trifling, that when the doctor is sent for a candle is almost always provided to light him to his patient; and frequently have I had occasion to note its dull flame grow fainter as it entered the confined and loaded atmosphere which hung around.

The roof is, of course, of thatch, and possesses every disadvantage which roofing can have. As Miss Martineau remarks, it rots with the wet, it harbours vermin, and is liable to fire; but it is also, as she has not remarked, more frequently injured by the fowl which are commonly to be seen perched upon the roof, tearing and scraping off the thatch in quantities. The rude and imperfect manner in which the chimney is constructed, and not unfrequently its entire absence, adds another source of dirt and discomfort to the interior of these wretched dwellings. To "stand out of the drop," or "to sit down out of the smoke," are customary salutations with which the visitor is often greeted, the latter piece of advice being founded on the familiar experience of the inmates, that the confined smoke spreads under the roof and forms its densest and most irritating fumes just above the level of the doorway. And many a time can I remember, when standing by the bedside and endeavouring to count the pulse of some fever-stricken patient, has the dial of my watch been obscured by a heavy blur of rain and dissolved thatch, intercepted in its passage from the roof to the floor.

Often from the same cause, the people are obliged to quit their beds at night, and huddle together in a corner near the fire, until either the rain has ceased or the approach of day permitted the men to go abroad into the fields. The floor being formed only of the natural surface soil on which the house is built, and being so liable to the access of rain from the roof, is generally sodden and damp, and at other times is furrowed into holes into which are thrown the potato skins and other offal destined for the food of the young fowls or the pig. I believe that these cottages could in no way be more cheaply or usefully improved than by the introduction of common brick floorings, which would not only prevent a great deal of injurious damp, but afford the housewife a fair opportunity of exercising some degree of cleanliness and neatness. There are no fireplaces or grates, as the turf is always burned upon the hearth; and this arrangement would be little objectionable, save for the shocking accidents by fire to which it occasionally gives rise. These occur for the most part amongst the

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infants and younger children, who being left alone in the house during the temporary absence of their mothers, are attracted by the heat, towards which they crawl over the floor, until they place their hands and clothes within reach of the burning cinders. I know no form of accident so universal in Ireland as this, or one from which fearful mutilation and deformity so often ensue. It also furnishes an instance in which a large amount of good might be done, and much suffering prevented, through such simple suggestions as might be furnished by a Ladies' Visiting or Sanitary Association.

Before quitting this branch of my subject, let me again revert to the fact that it is not in the cabins of the poor only these defects are to be found. Thus, it will scarcely be believed that in none of these houses is a back door ever provided. The front door is the common mode of ingress and egress to the human as well as other inhabitants, and forms also the only avenue through which the slops and accumulated filth of the interior are ejected. Within doors the same character prevails; the basket on which the potatoes have been set to drain, the pot in which the stirabout has been cooked, furnish the tables from which they are respectively eaten. Of the household utensils, which are necessary alike for the purposes of cleanliness and decency, there is an almost entire want; and few indeed are the cottages, even of the better class, in which a medical man at the conclusion of his visit has a chance of being offered a basin of water and a clean towel. For these are most generally substituted the pot in which the family meals are cooked, or the tin vessel in which water is drawn for the family use; and it would almost shock belief if I stated to what foul purposes such articles are sometimes applied when sickness amongst any of the members of the family obliges a long confinement to the house.

Next in the order of causes which materially affect the sanitary and social condition of the people must be considered the question of food, and the most obvious reflection which arises with regard to it—namely, the little variety which it presents—marks it as wanting in one of the prime characteristics which all wholesome food ought to possess. It consists almost exclusively of Indian meal and potatoes, one kind of diet replacing the other at alternate meals, or during different seasons of the year. The meal being procured at the nearest huckster's shop, and generally in quantities under a stone weight, is bought subject to all the disadvantages of adulteration, accumulated profits, and waste. The process of cookery which it undergoes is the rudest and most unscientific which ignorance can devise; and when it finally reaches the poor labourer in the field, it is in the form of a cold, sodden, and most uninviting mess—neither cake nor porridge—which he is obliged to eat with the addition of a little sugar and water, or of cold tea without milk.

Miss Martineau tells us that the secret of a potato diet is having milk with it, in order that the one may make up for the deficiency of the other; but notwithstanding I write from one of the largest and most fertile grazing counties in Ireland, I could point to

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hundreds of families in which, during nine months of the year, milk is an unattainable luxury, and by whom, during the other three months, buttermilk only can be procured.

Of the extent to which this dearth of one of the first necessaries of life prevails, and of the cruel privations which it occasions, it would scarcely be possible to give an adequate notion; and I believe it can be met only by greater liberality on the part of large landowners, or by the ladies of a neighbourhood combining together for the purpose of establishing public dairies.

In the social habits or sanitary knowledge of the people, we shall find little that tends to mitigate those evils of their outward condition. Everywhere there is manifest an absence of the spirit of resource, a fatal indisposition to dispute the victory with adverse circumstances, or to strive towards the attainment of such advantages as a skilful use of even the moderate means at their disposal would suffice to place within their reach. No knowledge of cookery is brought to improve the qualities of unwholesome or insufficient food, nor are any attempts made at cleanliness within or without the dwelling which might serve to diminish the effects of ill-ventilation and over-crowding. Notwithstanding that lime is everywhere abundant, and that one shilling's worth would be enough to cleanse a cottage, the use of the whitewash brush is seldom resorted to. Everything which falls within the domain of the poor man's wife is marked by improvidence and ignorance, and nowhere is this more conspicuous than in matters relating to her own health and comfort at the period of child-bearing. She has already drifted into matrimony, without having bestowed a thought, or provided a shilling, in view of the duties and responsibilities which it entails, and each successive confinement finds her utterly unprovided with a single one of those appliances which, in the opinion of mothers and medical men alike, are necessary to her own safety, if not to the future health of her offspring. I may remark *en passant* that I know no department in which it would be possible for charitable ladies to do so much good, and at so small a cost, as in providing common calico bandages for the use of poor women in this condition, as we may trace to the want of this simple contrivance one of the general afflictions from which they too commonly suffer in after life.

We need not be surprised to find these various causes merge at length in the extensive production of disease, but it is amongst the young, rather than amongst the adults of the population, that evidences of its existence are to be sought. The latter not only are less exposed to the injurious influences of the dwelling, in consequence of their out-door occupations, but are better fitted to resist the effects of foul air and bad food than the more delicate organization of the child. Accordingly, it is amongst children we see scrofula and parasitic diseases, ophthalmia, and diarrhœa, commit their most extensive ravages. And it is on the persons of children, too, according to my experience, that fever most frequently manifests itself—the disease generally assuming at first the form of gastric or remittent fever, and,

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after passing through the younger portion of the family, appears at length to acquire an accumulated intensity which enables it to strike and kill the grown-up members.

If I were asked to assign one of the secondary causes which most favour the production of disease amongst the young, I should unhesitatingly ascribe a very large share to the scarcity of milk. What, let me ask, would be thought of any public institution—say a workhouse or a hospital—in which it was attempted to maintain a large body of inmates, numbering amongst them a majority of children, without an adequate supply of good milk? We all know the consequences which would follow; and yet the same consequences, involving the destruction of a large number of those unhappy children who are destined never to reach five years of age, are enacted every year amongst rural populations, but pass unobserved, because unfortunately they do not find a place in the records of this world's statisticians.

The scrofulous diathesis, or habit, which the want of milk is so powerful to induce, also largely favours the prevalence and spread of ophthalmia. A case of this kind which I lately met with, as it affords a good illustration of much that I have advanced, I shall endeavour as briefly as possible to relate. On the 1st of January last, a boy aged about nine years received, while at play with some other children, a smart blow of a switch over one eye. Scrofulous inflammation of the eyeballs almost immediately lighted up, and though the child came under the care of an experienced medical man, vision had completely perished when I was called to see the case. I expressed fears for the safety of the other eye; and as the cabin in which the family lived was a most wretched one, and afforded no egress for smoke except through the door, I recommended the removal of the child to a hospital. The mother, however, persisted in retaining him, and endeavoured to remedy the smoky state of the cabin—to her its only appreciable defect—by taking the fire out to the roadside, and there, during several days, carrying on the washing and cooking necessary for a large family. At length, by the intervention of the Roman Catholic clergyman, the child was removed to a general hospital in this city, but I regret to say, in a short time the remaining eye was lost, and I saw him, but the other day, led about by his little brother, the victim of total and permanent blindness.

On the Health of Merchant Seamen. By J. O. M'WILLIAM, M.D., F.R.C.P., F.R.S., C.B., R.N., *Medical Inspector, Majesty's Customs.*

AT the meeting of the National Association for the Promotion of Social Science, held at Birmingham in 1857, I had the honour to bring under the notice of the Department of Public Health, presided over by the Right Hon. Lord Stanley, some account of the sickness

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and mortality among the waterguard and waterside officers of Her Majesty's Customs, a force whose health statistics, in common with those of the other classes of the Civil Service (then amounting to 53,678 persons,) had, up to that time, been scarcely at all investigated. On the present occasion I have ventured upon a field of inquiry (so far as I know) equally unexplored; and, on account of the peculiar and constantly changing life of the merchant sailor, much more beset with difficulties. The following observations, with all their defects, are nevertheless submitted with great deference to this meeting, with the intention of further prosecuting the subject, and in the hope of being permitted to place the results before the Public Health Department at some future meeting of the Association.

Much has been effected of late years, by legislation and private exertion, towards the moral and social improvement as well as the health of our merchant seamen, a force which at the present time comprises nearly 200,000 men. The condition of our mercantile marine has, indeed, at all times been to us a subject of vast importance, and it has accordingly from time to time engaged the attention of the foremost statesmen of this country. In 1835, Sir James Graham carried through Parliament the Merchant Seamen's Act, (7 & 8 Vict. c. 112,) which may be justly regarded as the Magna Charta of British merchant sailors. Ten years later an amendment of this Act became law, through the able and benevolent exertions of the late lamented Lord Herbert, a statesman who, among other important labours, devoted himself with rare zeal and unexampled success to the cause of sanitary reform in the army, and to the improvement in condition of the medical officers of that branch of the public service. It was by Lord Herbert's amended Act, that, besides many other beneficent provisions for seamen, the use of lime juice and sugar with medicine, medical comforts and, in some cases, medical attendance, became imperative in the longer voyages. And to Mr. Labouchere (now Lord Taunton) we are indebted for the Mercantile Marine Act, 1850 (12 & 14 Vict. c. 93,) a measure pregnant of value to the nation and its mercantile interests, as it not only relates to the seamen, but also to those upon whom devolves the important trust of commanding and controlling them. The main provisions of these several Acts have been consolidated by the able hand of the Right Hon. Edward Cardwell, and, if they are only carried out in integrity, leave little to be desired as regards the health, comfort, and general well-being of our merchant seamen while on board ship. In this comprehensive Act are embraced the great questions of increased sleeping room and ventilation, improved victualling, medical attendance and medicine, including medical comforts, lime juice and sugar, and of ample space for the berthing of the seaman. Nor, as has been already remarked, has the Legislature been unmindful of the importance of ascertaining the character and capability of the masters and other officers of the merchant service, a class, the leading members of which, by the Naval Reserve Act, are now about to be associated with the

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officers of the Royal Navy, we feel assured with mutual advantage to the naval and mercantile service.*

Mr. Labouchere's Act (now consolidated in Mr. Cardwell's Act,) provides for the examination, and the competency and character of those in charge of life and property, with certificates to be suspended or withdrawn in case of misconduct. Since 1857, all matters relating to the mercantile marine of this country have been under the superintendence of the Board of Trade: and the law is carried into force by means of local boards at sixteen of the principal ports, by shipping offices at all ports, and by the General Register and Record Office of Seamen in London. The establishment of Sailors' Homes has also had a marked and most favourable influence upon the character and habits of our seamen. In these excellent institutions, the seamen are comfortably and economically lodged and boarded; and there are savings' banks in which they can deposit their earnings with advantage, and transmit sums of money to their families. Education, including instruction in navigation, is also provided at a very reasonable cost.

Notwithstanding the wise measures of the Legislature, and the precautions taken against their infraction, it is beyond doubt that some of the provisions of Mr. Cardwell's Act, more especially those which relate to the promotion and maintenance of health on board ship, are but too frequently, either partially or wholly, evaded. To insure the law being strictly and faithfully carried out, it would be necessary to appoint a staff of inspectors at each of the seaports of the kingdom and abroad; but it is considered that the duties of such officers would be of so inquisitorial a nature as to be at variance with the spirit of our free institutions, and, moreover, obstructive of that despatch which is essential to the success of commercial transactions. The difficulty of furnishing adequate inspection at a port like London, for instance, whence some hundreds of vessels may depart in one tide, is urged as insuperable to a measure which, if practicable, could not fail to be productive of beneficial results. It was long a standing disgrace to those who administered the affairs of our navy, that scurvy continued to ravage our fleets, and render them powerless in the midst of a great war; and it is equally discreditable to the mercantile marine that this disorder, everywhere known to be under hygienic control, and which, when we except the Polar voyages, has been banished from our ships of war for upwards of sixty years, is still the cause of considerable mortality among our merchant sailors.

Until the establishment of the General Register and Record Office of Seamen, under Captain Brown, R.N., in 1835, there

* Already 6000 able-bodied seamen, of the average age of twenty-seven years, are enrolled in the Naval Reserve. The association of the officers and seamen of the merchant service with those of the Royal Navy is calculated to promote a feeling of harmony and friendship between the two services, which is in every way desirable, and to dispel prejudices which still in some degree continue to exist amongst merchant seamen against service in the fleet.

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existed no means of ascertaining with any degree of accuracy the number of seamen actually serving in merchant ships, far less of the deaths occurring amongst them; defects which happily have been amply remedied by the admirable arrangements in the office in question, where are to be found most complete statistics of whatever relates to the merchant ships and seamen of the United Kingdom; including correct returns of the number of seamen registered, and actually afloat, and of the deaths on board ship in the foreign as well as in the home voyages. While, then, we are without data for determining the influence upon the mortality amongst seamen, as a result of their improved condition consequent upon the more humane legislation of modern times, we have now the means of arriving with precision at the death rate of this class while at sea, and of forming an approximate estimate of those diseases and accidents to which they are mainly exposed.

With a view of initiating inquiry into the health statistics of the mercantile marines of various nations, I took occasion, when the International Statistical Congress met in London, in July, 1860, to submit to Lord Shaftesbury, President of the Sanitary Statistics Section, the following proposition, which, on being put by his lordship, was adopted by the General Meeting of the Congress, viz.:—

"That it be recommended to the various Governments represented by delegates at the Congress, to adopt a uniform method of obtaining statistical information as to the health of the seamen engaged in the mercantile marine." *

Since that period I have obtained from the office of the Registrar-General of Seamen such materials as have enabled me to compile a series of tables, which may help to illustrate this question. The actual number of deaths occurring amongst merchant seamen of the United Kingdom and Channel Islands, whether serving in the home or in the foreign voyages during nine consecutive years, the main causes of death during the same period, and the deaths and causes of death on the home † and foreign voyages respectively, for three years, have, with much diligence and a vast amount of labour, been extracted from the records of the office, by Mr. George Stuart and other gentlemen of that department.‡

I have already stated that we possess most accurate information as to the amount of deaths that take place among merchant seamen while actually at sea, but that number must not be understood to represent the actual loss of life, consequent upon service, on board of

* See Report of Proceedings of the Fourth Session of the International Statistical Congress, &c., p. 177.

† The Home trade includes, besides the coasts of England, the continent between Brest and the river Elbe.

‡ For obvious reasons, and with due regard to the sources whence information with respect to the causes of death is derived in the merchant service, the nomenclature of diseases, &c., should be limited to those more commonly incident to sea life.

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merchant ships. Dr. Bryson has observed with reference to the seamen and marines of the Royal Navy, that "if it were possible to follow out invalids discharged from the navy into private life, the death rate would be somewhat increased, for it is not to be doubted that a considerable number of those men die of disease contracted in the service, soon after they are discharged from it." *

In this way a certain number of deaths resulting from service in the navy escape observation; but the amount of loss from disease contracted in the merchant service, of which we have no record, must be far greater.

In the Royal Navy accurate returns are made of the invalidings, as well as of the deaths, on all stations, whether on board ship or in hospitals. Invalids from the navy abroad are, on their arrival in England, received into the naval hospitals there, where, as a general rule, they remain until they are sufficiently well to be discharged, or until they die. In the merchant service, on the other hand, we have no means of tracing the fate of seamen discharged sick, or of those who, from desertion and other causes, leave their ships while abroad.† Nor can we arrive at the extent of damaged constitutions and consequent deaths, from climatorial and other causes, after the voyage has ended, as the men are then at once discharged. If in good health they soon return to sea; and if sick they fall in with the general population, and help to swell its mortality, while that of the mercantile marine is thereby proportionately diminished. Notwithstanding the obstacles in the way of obtaining accurate statistics of the mortality from service in merchant ships, it seems desirable that some use should be made of the materials (correct so far as they go) in our possession. With that view I have drawn up the tables which are appended to this paper.

The seamen of the Royal Navy and the merchant seamen spring from the same class. The range of age (from fifteen to fifty-five) is nearly similar in the two services, and both are employed in every quarter of the globe; but in many other respects they are very dissimilarly circumstanced. The longest voyages in the mercantile service rarely exceed eighteen months, while men-of-war are, as a general rule, several, it may be five, years on one station, however unhealthy. In the Royal Navy, where hygiene in this country may be said to have had its birth, there are circumstances favourable to health, as discipline, clothing, cleanliness, good victualling, and it may be added breathing space, which, as a general rule, do not exist in the same degree in the other service. The man-of-war sailors have also, in all cases, medical attendance. On the other hand, the merchant seaman, although much exposed in landing and loading cargoes while abroad, and less under control as regards

* Statistical Report of the Health of the Royal Navy, for the year 1857, p. 166.

† See Table IV. appended.

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drinking and other excesses than the man-of-war's man, does not, like him, labour under the disadvantage of long continuance in a bad climate; and consequently his constitution gets renovated by comparatively frequent returns to the more healthy latitudes. Making due allowance for the deaths in the merchant service, of which we have no account, I think it may be assumed that the merchant seamen are less obnoxious to diseases originating in climatorial causes than the seamen of the Royal Navy; but although exempt from the casualties incident to war, they suffer far more from drowning and violence than the seamen of the fleet—a circumstance due in great measure to the comparative rarity of shipwreck in the navy. The proportion of deaths from drowning and accidents in the navy is seldom above 5 per 1000 of the whole force employed, while the normal death rate from such causes in the merchant service seems to oscillate between 8 and 11 per 1000.

The following table shows the ratio of loss from disease, from drowning and accidents, and from all causes, during 1856, 1857, and 1858,* in the Royal Navy and mercantile marine respectively:—

Royal Navy.				Merchant Service.			
Year.	Disease. Ratio per 1000.	Drowning, &c. Ratio per 1000.	All Causes. Ratio per 1000.	Year.	Disease. Ratio per 1000.	Drowning, &c. Ratio per 1000.	All Causes. Ratio per 1000.
1856	12·1	3·3	15·5	1856	12·41	7·99	20·40
1857	14·7	4·7	19·4	1857	10·85	8·67	19·56
1858	20·2	5·6	25·8	1858	9·69	9·95	19·60
Average	18·70	4·58	20·25	Average	10·98	8·87	19·85

I was unable at the moment to obtain more than the above three years of mortality in the Royal Navy for the purpose of comparison with that of the mercantile marine; and it is to be borne in mind that, during the period in question, the number of deaths in the navy was considerably augmented by the loss sustained both by disease and wounds in action among the seamen and marines employed in the operations in China, and the naval force serving on shore during the mutiny in India.

In estimating the mortality in the two services respectively, it is

* See also, on this subject, Table II.

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not to be lost sight of that in the navy, although we do not obtain all the deaths resulting from impaired constitutions in the service, comparatively few escape us; and that, on the other hand, a very considerable amount of the mortality from this cause, in the merchant service, is never ascertained. Captain Browne considers that, taking one year with another, the reported deaths may be safely set down at 1000 on the home voyages, and that at least the enormous proportion of three-fourths of that number is due to drowning and other injuries, as men when sick on the coasting voyages are, as a rule, sent on shore, where they fall in with the general population. When, therefore, we take into account the great addition to be necessarily made to the ascertained and recorded deaths in the merchant service before we arrive at its true mortality; that the merchant seamen are much less continuously exposed to climatorial sources of disease, more especially those of the tropics; that they are exempt from the diseases and casualties incident to war; and that, nevertheless, the records, so far as they go (perfect as regards deaths at sea, but far short of the actual number due to sea service,) indicate an actual mortality, from all causes, all but equal in the foreign voyages, and in the home service much in excess of, that of the Royal Navy; the conclusion appears inevitable that, although much has been done, "all is not done that might be done" to secure the health and safety of the seamen of our mercantile marine, who have been appropriately denominated the "source and resource of our naval power."

TABLE I.

Deaths from all Causes on Board of Merchant Ships of the United Kingdom and Channel Islands, employed in the Home and Foreign Voyages, during the following Years, viz.:—					*Royal Navy, Foreign and Home Stations.*
Years.	Tonnage.	Force.	Deaths.	Ratio per 1000.	Ratio per 1000 Deaths.
1852	3,380,884	159,563	2,205	13·82	From 1830 to 1837 (a period of peace) the mortality in the Navy averaged from all causes 13·8 per 1000.
1853	3,780,087	172,526	3,276	19·05	
1854	3,729,093	162,415	2,772	17·06	
1855	3,990,170	168,537	3,318	19·68	
1856	4,156,077	173,918	3,549	20·40	15·5
1857	4,211,482	176,387	3,444	19·56	19·4
1858	4,325,242	177,332	3,486	19·60	25·8
1859	4,269,109	172,506	3,430	19·68	
1860	4,251,739	171,592*	3,760	21·91	
		Average	3,241·88	18·98	20·25

* Exclusive of Masters.

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TABLE II.

Main Causes of Death on Board the Merchant Ships of the United Kingdom, employed in the Home and Foreign Voyages, during the following Years, viz.:—

Years.	Fevers.	Ratio per 1000.	Dysentery.	Ratio per 1000.	Scurvy.	Ratio per 1000.	Drowning and other Accidents.	Ratio per 1000.	Causes not ascertained.	Ratio per 1000.	Total.	Ratio per 1000.
1852	775	4·86	160	1·00	21	·13	712	4·46	537	3·35	2,205	13·80
1853	1,304	7·55	338	1·96	15	·08	902	5·23	717	4·15	3,276	18·97
1854	653	4·02	390	2·40	36	·22	928	5·71	765	4·71	2,772	17·06
1855	706	4·18	615	3·65	54	·32	1,085	6·44	858	5·09	3,318	19·68
1856	812	4·67	139	·99	72	·42	1,390	7·99	1,136	6·53	3,549	20·40
1857	813	4·61	164	·93	31	·17	1,530	8·67	906	5·14	3,444	19·52
1858	605	3·40	199	1·11	45	·25	1,760	9·95	877	4·93	3,486	19·60
1859	477	2·76	221	1·22	37	·21	1,663	9·14	1,032	5·09	3,430	19·68
1860	462	2·69	230	1·34	·24	·14	2,050	11·95	994	5·02	3,760	21·91
Average	734	4·30	272·9	1·62	3·72	·22	1,335·2	7·72	868	4·88	3,249	18·62

TABLE III.

Deaths in the Merchant Service, on the Foreign and Home Voyages, respectively, during the following Years, viz.:—								*Royal Navy.*
Foreign Voyages.				Home Voyages.				HomeStation.
Years.	Strength.	Deaths.	Ratio per 1000.	Years.	Strength.	Deaths.	Ratio per 1000.	Deaths from all Causes.
1857	132,787	2,429	18·29	1857	43,600	1,015	23·28	From 10 to 11 per 1000 during a series of years.
1858	133,646	2,494	18·66	1858	44,186	992	22·45	
1859	130,584	2,307	17·66	1859	41,992	1,123	26·97	
Average	132,339	2,416	18·20	Average	43,259	1,043	24·20	

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TABLE IV.

Showing the Number of Seamen left abroad from Foreign-going British Ships, and the Number engaged abroad and brought Home in lieu thereof in the following Years, viz.:—

Years.	Ships.	Tonnage.	Men of all Classes.	Deaths Abroad (Reported.)	Desertions Abroad.	Discharged Abroad.	Total left Abroad.	Total engaged Abroad.	Difference.
1857	9,264	3,351,076	182,787	2,429	15,624	23,166	41,219	34,023	7,196
1858	9,386	3,446,390	183,646	2,494	10,967	22,064	35,525	28,998	6,527
1859	9,161	3,400,820	180,584	2,307	9,282	22,624	34,213	28,818	5,395

CAUSES WHICH MODIFY THE PUBLIC HEALTH—HOUSE CONSTRUCTION AND DRAINAGE.

The Condition of the Dwellings of the Poor in Dublin, with a Glance at the Model Lodging Houses. By NUGENT ROBINSON, *City Hall, Dublin.*

THE dwellings of the poor in Dublin may be justly termed a "disgrace to modern civilization." The visitor whom necessity or philanthropy may drive into the lanes and alleys with which our city is intersected, can alone form an idea of the sties in which the poor are compelled to drag on their existence. These places are like so many hotbeds, from whence all diseases are transplanted into our hospitals. The number of tenements—that is, of houses let out in rooms within the municipal boundary—is close upon 8000, or better than one-third of the total number of houses in the entire city.

As the large majority of these are overcrowded, we may safely venture upon the average of eight persons to each house, which gives us 64,000 people out of a population of 249,733, 50,000 at least of whom reside in a fetid and poisonous atmosphere. The dwellings of the poor are chiefly confined to about 450 lanes, courts, and alleys, and about sixty streets. The worst districts are the Liberties on the south, and the parish of St. Michan on the north side of the city.

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The major portion of these tenements are situate in the Liberties, formerly the site of our poplin and tabinet factories. Since the introduction of steam machinery, the hand loom has fallen into disuse, and the houses (almost every one of which contained its two and three looms,) having become dilapidated, are eagerly seized upon by the poor as places of residence, on account of their cheapness. The poverty of the class of people inhabiting these tenements is so great, that no fewer than 19,045 were relieved by the Sick and Indigent Room-keepers' Society during the year 1860. The entrance to most of these courts is very narrow—a sort of great stench valve, or overground sewer. As a general rule, there is a green slimy stream oozing from a surcharged and choked-up cesspool, through which the visitor is compelled to wade. The stench from this ooze is intolerable. In a tottering house, in an alley like this, the deformed offspring of a narrow street, the working man is forced to dwell. If he is unable to pay two shillings a week in a street, he must live in a court or alley for ninepence or a shilling. A large number of the houses let in tenements are three storeys high. In many of these the stairs are so crazy as almost to render it unsafe to go up or down. The yard accommodation is atrocious. In some districts where the houses are built in blocks, there is no yard whatever. Some of the cottage tenements are, if possible, more unhealthy than the houses. The ceilings are lower and the light wretched. In many instances I found the boards rotted away, and the inmates sleeping on the damp ground. Little Elbow Lane is a type of this class. Mr. Willis, in his essay upon the working classes, draws a picture of the inner life of a room in these districts. As it represents the case exactly, I shall quote him here:—"Within this space (15 feet square) the food of the wretched beings, such as it is, must be prepared. They must eat, drink; men, women, and children, must strip, dress, sleep. In cases of illness the patient has to submit to the most cruel inconveniences, and when death releases one of the inmates the corpse must of necessity remain in the room." 'Tis a sad thing that words used twenty years ago by Mr. Willis should be still applicable to so important a subject. One of the first things that must strike the observant visitor is the total want of any provision for the separation of the sexes. In one small room, father, mother, and some half-dozen children are huddled together, without the slightest regard to decent separation. This is as remarkable in the room of the poorest labourer earning 7*s.* or 8*s.* a week, as in that of the more skilful and better remunerated artisan, receiving his 25*s.* or 30*s.* a week, the only difference observable being, that those of the better class choose a better ventilated and more cheerful neighbourhood than their poorer brethren. Finding that to enumerate the lanes and alleys, and the statistics connected therewith, in so small a space as is allowed to this paper, is utterly impossible, I have taken 134 of the worst streets and alleys; and having condensed the figures connected with them into totals, the following are the results, as near as I could gauge them. In these 134 streets there are 2,102 houses occupied by

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room-keepers, 11,214 rooms, 14,850 beds, including wads of straw, and 40,319 persons, giving the following averages :—

Average number of persons to each street . . .	300·888
Average number of persons to each house . . .	19·181
Average number of persons to each room . . .	3·595
Average number of persons to each bed	2·715

It will be quite sufficient for the purpose of illustrating the over-crowded state of these dwellings, to take two or three lanes as types of classes. For instance :—

	Houses occupied by Room-keepers.	Rooms.	Beds.	Wads of Straw.	Persons.
Cole Alley . .	33	171	124	170	915
Pimlico . . .	28	130	159	—	424
Elbow Lane .	13	47	66	—	191
Engine Alley .	24	75	128	—	307

These figures are as nearly accurate as the grea' difficulty attending such an inquiry permitted me to make them.

There is a class of people in this city called "house jobbers." To this community the wretchedness of the dwellings of our poor is mainly owing. They buy up dilapidated houses and re-let them, either by the house or by the room. As a general rule, the jobber remains behind the scenes, while the actor is some low brutish agent employed on commission to collect the rents by hook or by crook. The "jobbers" are utterly averse to ameliorating the condition of their tenants when anything in the shape of expense is liable to be incurred. It is to be regretted that many men of social position belong to this class.

In a Return made by the Sanitary Inspector of the principal fever sites in the city in the year 1855, the streets he selected as being the lurking-places of fever are almost identical with those chosen by me as being the most filthy as well as the most crowded. It was not until after I had completed my researches that this document fell into my hands. Some of these houses are in a most ruinous condition : an eminent architect tells me he "would not guarantee their safety while he wound his watch." The lanes and alleys in the

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neighbourhood of Meath Street are in a shocking state of filth. Gill's Square is only fit to be burnt; the stench in this place is unbearable. There is but one yard to the whole square, consisting of eight houses, and in this yard a sort of sty has been erected, in which I found three human beings (a man and two women) residing. In Little Elbow Lane there are four cottages, fifty-three people residing in them. In two rooms I found eighteen human beings, the usual cesspool standing in the yard corrupting the atmosphere. Grace's Court, off the Coomb, is another human sty. Calford's Court, off Nicholas Street, is a specimen of this class. The village of New Market is a perfectly shocking spot: Yellow Court and Clarke's Court, part of Church Street, only fit to be demolished. The people inhabiting these localities look as though stricken by the plague. In the majority of the rooms there are no beds; nothing but wads of straw. Sixpence a week is the rent paid for a miserable apartment: the ceilings are low, and the place is literally filled with hot air. In traversing these districts the stench that assails the nostrils is of the most sickening character. The reason of the existence of this bad odour arises partly from the total want of dustholes, &c. The houses are built in blocks, leaving no space whatever for yards or necessaries, whereby the landlords do not come under the Removal of Nuisance and Diseases' Prevention Act. The police interfere whenever they can do so, to compel dustholes and necessaries to be erected; but they have no power to issue an order to remove nuisances till a complaint has been formally lodged against the house, signed by two of the inhabitants. In many cases the people are afraid to complain, for by so doing they bring down upon themselves the wrath of the landlord, so the grievance remains unredressed, and the work of corruption goes on. The main cause of this abominable odour arises from the fact, that all the filth that may accumulate between four o'clock in the morning and nightfall must be retained upon the premises, since there is no dusthole or necessary wherein to deposit it. If thrown into the street, the owner of the house is fined. The scavengers go round every morning at four o'clock, great attention being necessarily paid to the poorer streets and lanes. The accumulation of animal matter these men have to clear away is enormous; the street is literally rendered impassable by the quantity of refuse ejected from the houses during the night. Such houses as have dustholes attached to them are closely watched by the police. During the past year the number of cases of sanitary duty performed by the constables appointed for that purpose, in connexion with the dwellings of the poor, amounted to 18,551. These cases were all enforced by the authorities, who felt the necessity that existed for the exercise of their power. In the neighbourhood of Merrion Square and our more healthful localities the average rate of mortality is 1 in 142. In the parish of St. Paul the average figure is 1 in 42. This is a fearfully hard FACT.

The lodging-houses for the poor are a crying evil in this city. The number of registered lodging-houses under the Common Lodging-

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house Act is only 107. If the Sanitary Inspector finds the proprietor of a house letting beds by the night he compels him to register, which renders him amenable to the police regulations. This is a somewhat difficult process, for some magistrates refuse to take oral evidence; and unless the inspector can swear to having seen money paid for a night's lodging, his evidence is liable to be rejected. In many cases there are four people huddled into one bed. It is not uncommon for one person to rent the room at 1*s.* a week and re-let the corners at 3*d.* each. The average rent per night in these lodging-houses is from 1*d.* to 4*d.* During a space of seven years, 1853 to 1860, the enormous number of 3,541 filthy and overcrowded lodging-houses have been suppressed by the police. In a registered lodging-house the Sanitary Inspector allows 308 cubic feet of air to each individual, which gives a space of seven feet long, eight feet high, by five and a half broad. In some places in England the allowance is only 270 cubical feet. The worst class of lodging-houses are situate in Cole Alley, Engine Alley, Coombe, Hanover Hill, Gill's Square, Braithwaite Street, Pimlico, Gibraltar, Plunkett Street, Corn Market, New Market, Bride Street, and Kevin Street, on the south side of the city; while on the north side we have Church Street, Mary's Lane, Bull Lane, Greek Street, Bow Street, Yellow Court, Eliza Court, Barrack Street, Beresford Street, Fisher's Lane, Boot Lane, Phœnix Street, and Bedford Street. The usual number to each bed when there happens to be one is three, and the general number in each room is from eight to ten. The twopenny-rope system—that of turning the inmates out of bed at six o'clock in the morning—is not carried into effect here, the lodgers being allowed to sleep as much as they may choose up to ten or eleven o'clock. There is a lodging-house in Kevin Street called the Rover's Lodge, in which, I am given to understand, between thirty and forty people put up every night at twopence a head. In 1853 there were 2000 cellars in Dublin inhabited, but happily for the cause of civilization these have all been closed up as far as dwelling purposes are concerned. It is highly gratifying to be enabled to state that since the opening of the Rev. Dr. Spratt's Asylum for Houseless Women, the number of inmates in these wretched lodging-houses have considerably diminished.

I shall now take a glance at the model lodging-houses for the poor. We have but two establishments of this nature in Dublin. To the philanthropy and liberality of an esteemed citizen we owe the existence of one; while the other was established by a body of gentlemen entitled the Sanitary Association. This society, I regret to say, has ceased to exist. Of the Model Lodging House for Families I shall speak first. It is situate in Chapel Alley, off Lower Bridge Street. It was established in 1854, by Mr. Thomas Vance, one of our principal merchants. The buildings are of red brick, surrounding a well-ventilated, well-lighted court, in the centre of which stands a fountain and fire-plug. The rooms are lofty, and are divided into compartments by wooden partitions about seven feet high. The

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ventilation is perfect and the cleanliness all that can be desired. The number of families this institution is capable of accommodating is twenty-nine, comprising about two hundred souls, including children. This is the full number, and whenever a vacancy occurs the competition to obtain the unlet apartment manifests what a high value is set upon this quarter as a place of residence. The inmates have the use of a wash-house, supplied with hot and cold water; also a bath and a mangle. The rents per room run from 2*s.* to 3*s.* 6*d.* per week. In a commercial point of view, Mr. Vance informs me, the experiment has proved most successful. In 1853 Mr. Vance started a model lodging-house for single men in Capel Street. This has, however, been converted into a second-rate temperance hotel, and may be considered model in that respect. In a pecuniary point of view it did not answer Mr. Vance's expectations; besides, it was not found to work well, nor to receive that support which the superior accommodation it afforded claimed at the hands of the working classes. The Model Lodging House for Single Men is situate in Marlborough Street. It was, as I have already stated, established by the Sanitary Association in the year 1853—the result of private subscriptions and the proceeds of a bazaar, while Her Majesty contributed about £150 towards its completion. The house is well adapted to the purpose, but the severe air of cleanliness one ever expects to meet in such places does not greet the visitor here. There is a prison-like air about the place, which gives it the appearance of a sponging-house more than of a home. A few shillings' worth of room paper or even whitewash might eradicate this impression. There are nine bedrooms and a general sitting-room; fifty-six beds are made up, which gives an average of better than six beds in each room. In one apartment there are eight beds. Now, eight persons sleeping in one apartment, and this not a particularly large one, must be considered objectionable; the more so when we reflect this state of things exists in a model establishment. Fourpence a night, or 1*s.* 8*d.* per week, is the fixed rent. There is a lavatory attached to the institute and two closets. The fire is common, and each man can dress his own food, or by giving a small gratuity to the servant can get it done for him. The cooking utensils are all found. This lodging-house is never full, and those who resort thither are probably strangers coming to town seeking employment, who use it as an hotel. One of the principal reasons why model lodging-houses for single men do not succeed is owing, in a great measure, to the want of sufficient space for culinary arrangements. The usual hour of breakfast being nine o'clock, the working man returns to his meal to find the fire surrounded by a set of idle lodgers, who, of course, possess a prior claim and have their food cooked. He is compelled to wait his turn, and by the time he can get his share of the fire the hour has come for him to return to work. Another reason is, the generality of men compelled to frequent cheap lodging-houses do not wish to let the other inmates see how they live. Many a poor fellow is compelled to subsist on stirabout, which if eaten in private is palatable enough, but if

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seasoned with the salt of ridicule becomes unbearable. When a single man of the working class is unable to rent a whole room he chums with another; such is the usual practice.

The decided success the Model Lodging House for Families has met with manifests of what utility a number of such establishments would prove in this city. There are ruinous blocks of houses choking our lanes and alleys, the very walls of which are soaked in foulness. These might be pulled down, and model lodging-houses erected in their stead. To meet such an outlay a large amount of capital would be necessary. The formation of a company being the usual and easiest method of obtaining capital, and supplying at the hands of the many what the few are unable to provide, the formation of a company for the purchase and improvement of house property under the new Limited Liability Act would meet the end in view. There are several companies of this nature in England. The London has paid 4½ per cent., and has succeeded in blotting out many of the fever spots in the city; the Hastings Company has paid 6 per cent.; the Red Hill, 5 per cent.; and several others are in an equally flourishing condition. It is to be hoped this subject will engage the attention of our monied men. There is a site to which I would beg to call attention, that from its situation is peculiarly adapted for the erection of model lodging-houses for families—the place formerly known as Fordam's Alley, off the Coombe, the houses having been condemned by the authorities as unfit for habitation. The space of ground now vacant measures, from the Coombe to New Market, about 350 feet, and in width about 150 feet. The materials of the former houses are lying in heaps about the place, and would go a good way towards rebuilding suitable dwellings. This property belongs to the Vicars-Choral of St. Patrick's.

In order to ameliorate the condition of the dwellings of the poor, it will be absolutely necessary to weed them, by demolishing some of the fetid dens to which I have alluded. Let blocks of houses be abolished as plans of residence as much as possible. I would suggest that it should be compulsory upon the landlord to whitewash the houses in his possession at least once in every three months. That a heavy fine be inflicted upon the proprietor of any house in which more than three adults be found sleeping in one room, except same be a registered lodging-house. That any house deemed unsafe be surveyed by the proper authorities, and, if discovered to be in an untenable condition, closed up. That a minute survey be made of all houses suspected of being lodging-houses, and the owners thereof be compelled to register, under the penalty of fine or imprisonment. That a cheap system of ventilation be carried into effect by placing perforated zinc vent holes over the windows of all small apartments, or by the introduction of Dr. Arnott's chimney flue system, which consists of an aperture of from four to six inches cut in the chimney breast over the fireplace, close to the ceiling. Into this aperture a short metal tube, having a valve suspended at the extremity next the apartment, and capable of opening inward, is inserted, and the

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impure air is wafted up the chimney in the direction of the smoke. I am aware that some of these measures are being carried on, but not with that vigour and energy which so all-important a subject demands. Were the cholera, or some equally-to-be-dreaded epidemic, to break out in the poorer districts of this city, as they now exist, the mortality would be fearful to contemplate.

This hasty glance at the inner life of the dwellings of the poor is only calculated to give an outline idea of the state of the case. If any observations of mine may have produced the effect of calling the attention of those present to this all-important subject, I am repaid; since the more deeply it is probed the more ulcerous it becomes. We require a Sanitary Commission to be held in this city; the consequence of which would be, that instead of depending upon the weak efforts of willing philanthropists, we could lay our hands upon official returns, which would show us, beyond the power of controversy, the practical filth and wretchedness in which our unfortunate poor are buried. Armed with these facts, we could put our shoulders to the wheel, and, instead of wasting time in lopping off rotten branches strike at the root of the evil.

City of Dublin Sewerage. By Parke Neville.

In the streets situated within the boundary of the ancient city of Dublin, I have found, from careful examination made since the year 1851, that there formerly existed very few main sewers. The district in which such streets are situated on the south of the Liffey commences near the west side of the present Richmond Bridge, and thence extends southward nearly along the line of Meeting House Yard to Wormwood Gate, where the Ormond Gate stood; thence to Corn Market, where the New Gate stood; thence, turning eastward between Back Lane and Francis Street, to the southern end of Nicholas Street, where Nicholas Gate was situated; thence eastward to where Little Ship Street joins Werburgh Street there was the site of Pool Gate; and thence skirting the boundary of the present Lower Castle Yard, crossed Dame Street near Crampton Court, where the Dames' Gate was situated, and thence to the river a little to the eastward of Essex Bridge. The ancient manors of Thomas Court and Donore, now known as the Earl of Meath's liberty, and the manor of St. Sepulchre's, bounded the city on the south. On the north of the river the manor of Oxmantown and Mary's Abbey were situated, which may be described as being bounded by Smithfield, North King Street, and Liffey Street. The river Poddle and the Coleman's Brook Stream, on the south side, conveyed water to the old city ditch, or foss, outside the walls, and formed the outlets for the drainage of the city on this side, and the Bradogue River answered the same purpose on the north side.

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As the city increased in size and the inhabitants acquired better ideas of comfort, those open watercourses were arched over and became large sewers. This was done gradually, which is proved by the differences found to exist in the height, breadth, and form of the arches thrown over the Poddle River at different places. Where that stream crosses under Nicholas Street the channel is of very large size, with pointed arch. Into those large outlets various small sewers and drains of different form and size were from time to time made, evidently only to accommodate a portion of a certain street or large building, or for surface drainage, and without reference to any extension or to the drainage of any other places than those for which they were specially made; and in constructing new main sewers in Thomas Street, Corn Market, High Street, and Christ Church Place (some of the most ancient in the city,) where there had not before been any main sewers, I was surprised at the number of small sewers found and cut across at different levels, the most of them dry and long out of use.

During the last hundred years great improvements were made in the sewerage of the city, and according as it extended eastward, in most cases, main sewers were constructed in the new streets as they were laid out; and during the earlier period of the existence of the Paving Board, having charge of the public works of the city—particularly while the late Major Taylor was at the head of the Board—considerable progress was made, but it was chiefly confined to the eastern side of the city, the old and poor localities being permitted to remain without sewerage. This in part, no doubt, arose from the nature of the clauses in the Act of Parliament under which the Board acted, which conferred no power to make a main sewer in any street unless upon requisition from a certain majority of the householders in that street, in which case only the Board had the power to assess the cost of the work off all the householders in the street, the minority being bound by the act of the majority. It is therefore evident that in poor localities great difficulty always arose in procuring the requisite majority to agree to tax themselves for the work, and the Commissioners had no other means of procuring funds to make main sewers.

In the year 1851, the powers of the Paving Commissioners were transferred to the Corporation by the Dublin Improvement Act, and in the April of that year I was appointed city engineer and local surveyor. One of the first duties which devolved on me was, to have a survey made of all the existing sewers in the city, and their levels taken and laid down on the Ordnance Map, which is plotted to the scale of 88 feet to the inch, to form the groundwork for designing a plan for the improvement of the sewerage of the city. The survey was commenced in the same year and occupied several months. The sizes and forms of the sewers were found to vary very much. Those which measure from 3 feet to 4 feet in width are generally arched over—the most ancient with rubble masonry, the more recent with brick. The Poddle is in some parts arched with stone, in others

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with brick. In the old streets the sewers were generally covered with flags, and were in size from 3 feet to 4 feet high by from 2 feet to 3 feet wide. The prevailing size adopted by the late Paving Commissioners was 6 feet high by 3 feet wide. In some the bottoms were flagged, in others paved; but generally they were without any bottom, save the gravel or clay substratum on which they were built. The walls were of rubble masonry and covered by semicircular 9-inch brick arches. This was the Commissioners' standard size, and was used in all cases in newly laid-out streets, apparently without any attention to fall or the quantity of water they might have to discharge. On one side of Mountjoy Square I found a sewer constructed something on the principle adopted by the late Westminister Commissioners of Sewers, having a semicircular invert, and this was the only case of a properly formed invert bottom in the city except in the large sewer that runs through Amiens Street, Sheriffs' Street, and round the Custom House Docks.

In Blessington Street and Capel Street, near Essex Bridge, we found the sewers of large size, and constructed with ledges and corbal stones projecting along the sides, which were built with the intention that the water pipes should be laid thereon. This plan was proposed, I believe, by the late Major Taylor, and a clause was inserted in one of the Paving Acts to render this form of construction compulsory. The advantage to be gained by the plan was alleged to be, that it would obviate the breaking up of the streets for the examination and repair of those mains; but in the year 1808 the Water Pipe Committee of the Corporation got the opinion of several first-rate engineers on the question, who, having reported against the plan, and the inhabitants having memorialized the Lord Lieutenant on the subject, he ordered the Commissioners not to construct the sewers on this system. I mention this here because this plan, attempted to be carried out in Dublin upwards of fifty years ago, to a certain extent had the same object in view as the subways recently designed, and put before the public as a novelty, and which have been used in Frankfort, and lately in Paris; there has been one recently finished in the short line of new street just opened in London, extending from King Street, Covent Garden, to St. Martin's Lane. And I may here remark, that I consider the advantages expected to be obtained from the construction of those expensive subways very doubtful, and I conceive, in any case, they can only be adopted for an entirely new line of street.

In Grafton Street we found a very old sewer, 3 feet wide by upwards of 4 feet high, having vertical side walls with semicircular arch, built entirely of 4-inch brickwork, and having a paved bottom; it was taken up when the new sewer was put in, at a much lower level, and it was surprising to find how well it had stood, although much injured by the careless way it had been broken into to insert house drains. This sewer was probably upwards of a hundred years old. In different parts of the city I found 4-inch brick arches used

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over sewers of from 2½ feet to 3 feet in good preservation, showing how well 4-inch brickwork will stand, and that there is no novelty in using it.

The levels of the sewers I found, in general, very badly laid out, particularly in the streets running east and west, which cannot have rapid falls; in many cases they were almost level, in others full of hollows up and down, and frequently could act little better than cesspools, requiring to be regularly cleaned out. In some of this class of sewers we found as much as four feet of solid deposit, rendering all house drainage impossible.

The length of main sewers we examined in 1851 and 1852 was, on the north side of the city, 16 miles 7 furlongs 30 yards, and on the south, 25 miles 3 furlongs 215 yards, making a total of 42 miles 3 furlongs 25 yards, independent of small sewers for surface drainage and some few main sewers since discovered; the total length of streets, lanes, and alleys of all description within the city being about 108 miles.

When the survey was completed I laid down a general plan for the improvement and extension of the sewerage of the city, and detailed in the Report I made to the Corporation early in the year 1853; and I shall now briefly describe the general features of the plan.

The river Liffey passing through the centre of the city, flowing from west to east, naturally forms the outlet for the entire sewerage, the ground on either side of the river gradually rising from the level of the quays, which are about 20 feet ordnance datum to the boundary of the city, where the greatest elevation is from 80 feet to 90 feet above the same datum.

Considerable portions of the eastern districts on both sides of the river lie very low, the cellars of the houses and the surface of the land, where it remains at its original level, being much below high-water mark. Those districts, more particularly the north-eastern, suffered severely from flooding during high tides in wet weather, which arose from the drainage water coming from the higher parts of the city being backed up the sewers, while the tide gates on the river wall are kept shut by the tide; the sewers and the tide gates were also in most cases defective.

Until within the last twenty years the low districts referred to were very little built on, and had large open ditches and drains passing in various directions through them, the ground being made little use of; the consequence was, that those ditches, &c., acted as ponds to hold the flood waters after heavy rain, and from their large area prevented any serious rise of water in the sewers; but as building progressed and new streets were formed, those drains were filled up or sewered in, and the level of the ground raised in many places, and this safety valve for the flood waters became gradually smaller, the consequence being, that buildings have been flooded which formerly were quite free from under water. The Custom House, for example, and houses in Beresford Place, when built, and for many years after, were quite

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free from under water; but of late years they have been subject to it after very heavy rain and high tides, particularly when south-easterly winds prevail, which prevent the tide falling to average level, and so curtail the time of discharge of the water from the sewers.

For improving the sewerage on the north side of the city and to relieve the low districts, there has been constructed a high-level sewer, commencing at Britain Street, passing down Marlborough Street, down which it runs to Gloucester Street, and thence eastward through that street to Amiens Street, and through Seville Place into Guild Street, at the southern extremity of which, on the north wall, it discharges into the river. This line of sewer intercepts all sewers north of it, and conveys the water direct to the river, and prevents it running down to the districts about the Custom House. And in connexion with this we have made large sewers in Commons Street, and a sewer in Talbot Street, which have effected great improvement in the drainage of this district, and almost entirely prevent the flooding referred to.

On the south side is nearly completed another line of intercepting sewer, which, commencing at Stephen's Green and passing down Merrion Street, Merrion Square, Denzelle Street, Wentworth Place, Erne Street, to Cardiff's Lane, at present discharges into the river; but I intend to connect this with another sewer to run to the eastward and discharge near the end of Sir John Rogerson's Quay. This line of sewer when completed, in conjunction with the new sewers made in Creighton Street, Lombard Street, Townsend Street, College Street, and College Green, will effect great improvement in the drainage of the south-eastern districts, which have been in a very bad state; for, although there were several large old sewers passing through it, they were so defective in structure and on such bad levels that they were little better than cesspools, and had to be cleansed out every year or two to render them of any use.

The above are some of the principal lines of sewers which have been constructed; but in addition to those, miles of large and small sewers have been laid down in streets which never had sewers before, also considerable lengths of old and decayed sewers have been taken up and new ones built in place of them, and where the old sewers were found sound and their levels such as to permit of their being made available, they have been repaired, underpinned, and had brick inverts placed in them and their levels corrected, thus rendering them thoroughly effective. It is intended that those works shall be continued until every street in the city has a really effective main sewer —it is also proposed to remove all the old stone gully grates and substitute metal trapped gullies, also to make side entrances into the sewers to facilitate getting into them for examination and repair, and render unnecessary the frequent breaking up of the streets.

The Poddle River discharges the drainage of a district within the City boundary, of about 450 acres, together with two-thirds of the water diverted from the river Dodder by the City weir at Temple-

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ogue, which also passes through it. It is an open watercourse for about two-thirds of its length in the city, but from New Row to the Liffey it is covered. The arching has been built at different periods, some portions being very ancient, and for nearly the entire length passes under houses and through private property, turning three miles in its course. This watercourse requires a very considerable sum to be annually expended upon it to maintain it in a safe state and free from obstructions; and owing to the numerous petty rights and interests which have been allowed to grow upon it, I see little chance of being able to make much improvement on this great drainage outlet.

The sizes I have adopted for the new sewers are—

	Ft.	In.		Ft.	In.	
First class . .	6	0	by	4	0	of the egg shape.
Second class .	5	3	„	3	6	„
Third class . .	4	6	„	3	0	„
Fourth class .	3	9	„	2	6	„
Fifth class . .	3	6	„	2	3	„
Sixth class . .	3	3	„	2	0	„
Seventh class .	12-inch circular pipe.					
Eighth class .	9-inch „					

The first six classes I have always built with brick—the first, second, third, and fourth class being of 9-inch, and the fifth and sixth of 4-inch, brick work. When the ground is soft and faulty, I use 9-inch work in the last-mentioned sizes also, but unless in very few localities, such as High Street, Christ Church Place, Castle Street—where we found peat at from 6 feet to 12 feet below the surface of the streets—and some few spots in the low districts near the river, this was not necessary, as generally the substratum in Dublin is either gravel or strong yellow clay.

The depth at which main sewers should be sunk ought not to be less than 10 feet, but where the outfall will permit I prefer 21 feet, as this will secure the most ample fall for house drainage. There are, however, some cases in Dublin where a greater depth cannot be obtained than 8 feet or 9 feet, but we always keep them as low as possible.

In some of the larger outlet sewers I have deviated from the egg shape, as in Saville Place, Commons Street, &c., the reason being that in such localities we want them of large capacity, to hold water like a pond, while the tide gates are kept shut from the pressure of the tide; and in those cases we use stone for building the side walls.

The inverts of the sewers, or for about one-third of their height, are built with Roman cement, the bricks being put together in blocks before being lowered into the trench. This greatly facilitates the work. In the low districts, where the sewers are frequently full of water, they are entirely built with cement; and in some of those

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places it is extremely difficult to make the bottom joints staunch, and prevent the water springing up through the bottom. They have to be pointed over and over again, and we sometimes have to caulk with oakum to make them quite tight; and we have found Medina cement sometimes useful in such cases, as it sets under water quicker than the ordinary cement.

I may here allude to a case which has just come under my notice. Our attention having been called to the defective state of a sewer in Fish Street north lots, which discharges into the Liffey near the end of the north wall, I caused an examination to be made of it, when we found the entire bottom cut away by the action of the water, leaving the side walls and arch retained in their place merely by their adhesion to the side banks, and some slight support here and there from large stones in the ground, which resisted the action of the water under the foundations. The iron tide gates, or valves, we found quite destroyed, one of them having just before dropped to pieces. I have ascertained that this was caused by the action of the drainage water from large chemical works flowing through this sewer, the matters with which it is charged having altered the character of the metal, and turned it into graphite, or black lead, mixed with a small quantity of oxide of iron. This change reduced the specific gravity of the mass about two-thirds, and rendered the gate useless, and it would not hold together. The nuisance and injurious effects produced by allowing such large chemical works to be established in cities are so great, that I consider the Legislature should prevent their being built in the neighbourhood of cities and towns.

In some towns in England circular sewers are adopted, the argument in their favour being that the greatest area is obtained by that form of section with a given quantity of material; but I am of opinion, taking everything into consideration, the egg-shaped is preferable for the ordinary sized sewers, as it affords the best section for securing the greatest scouring force to the water passing through it, and affords better freedom to the workmen who may have to pass through them for the purposes of examination, cleansing, or repairs; and the saving in excavation goes a considerable way towards compensating for the additional masonry. For very large sewers there are advantages in using the circular form, or a section approaching it.

In 1848 Mr. James Simpson, Mr. William Cubitt, and the late Mr. Brunel, in a Report to the Corporation of London, recommended the egg shape, but with the broad end down, stating, as their principal reason, that this would afford facilities to the workmen engaged in their repair or cleansing.

For the seventh and eighth class sewers I use vitrified stoneware drainage pipes—those we use to drain short lines of streets, lanes, and avenues in the outskirts of the city, and where a good fall can be obtained. I have used a considerable length of them, and find them to answer very well—much better than the large square sewers formerly considered necessary, and used in such cases. Great care is

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requisite to preserve a regular grade or inclination, and that where used to convey surface drainage all the gullies should be trapped, or have wells formed under them to prevent the detritus from the macadamized road surface being washed into the pipes.

The length of new sewers that it was calculated in 1852 would be required to complete the sewerage of the city, according to the plan then assigned, was 78,688 yards, or about 45 miles, at an estimated cost of £73,437.

From 1852, up to the present time, including works in progress, or under contract, there has been executed 20¼ miles, as follows:—

4,167	feet of	first class	sewer.
4,367	„	second	„
4,580	„	third	„
14,966	„	fourth	„
53,603	„	sixth	„
20,124	„	seventh	„
5,090	„	eighth	„

In the above are included almost all the large-sized sewers designed; and the expensive works along the low ground adjoining the river, and the total cost at which the works have been executed, are within the original estimates. Within the same period we have repaired, underpinned, and put brick inverts into, 31,543 feet, or nearly 6 miles, of old main sewers, converting them from bad inefficient sewers into good and effective ones. We have also cleansed and executed absolutely necessary repairs to upwards of 40 miles of old sewers, some of them requiring to be cleansed two or three times during the period referred to. In addition to the above. there have been a large quantity of minor works for improving the surface drainage of the streets, providing new gullies, &c., &c.

I calculate that, by the works executed, we have provided means of drainage to at least 6000 houses, a large proportion of which had no means whatever of drainage before; and I may here allude to the fact, that it has been found very difficult to get the owners of houses to make house drains into the new sewers, on account of the trifling cost of putting in the drain: and in a great many good streets, and in almost all the poor ones, not one in ten availed themselves of them; and up to the last few weeks the Corporation had no power to compel parties to do so; but this defect has been remedied by an Act passed this past Session as an amendment to the Dublin Improvement Bill. By this, the Corporation now have the power to compel all householders to make drains when called on; and in the event of their neglect or refusal, then the Corporation can do the work, and compel them to pay the cost.

In connexion with the new system of sewerage, there has been a very great improvement in the house drainage generally throughout the city. Up to the period I refer to, 1851, the use of pipes for house drainage had not been generally introduced into Dublin, the system being, that for the smallest house it was considered necessary to have a drain at least 12 inches square, many builders con-

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sidering even this too small; and it is quite common to find sewers 18 inches and 24 inches square, built to drain an ordinary-sized house. The side walls of these drains are usually built of bad rubble masonry, from 6 inches to 12 inches in thickness, and covered with coarse flags, and in most cases built on the earth without any bottom; they are twisted in every way under the basements of the houses, with sharp angular turns, and are generally laid without regard to maintaining a regular fall throughout their length. The consequence is frequent stoppages, leading to endless complaints from the occupiers of the houses, of annoyance from noxious smells, flooding, &c. Then again, sewers and drains of this construction form a ready road for rats to get into the houses from the badly-made main sewer; they readily burrow through the rubble walls of the drain and then under the floors of the basements of the houses, and cutting holes in the floor make openings in every direction, through which the foul gases freely escape from the sewers into the houses. This may be considered an over-drawn statement, but I can say from experience, that I believe, a few years ago, nine-tenths of the house drains in Dublin were in the state I describe, and many are so still; but great improvements have of late years been effected by the introduction of pipes.

When I first came into office I insisted that sewer pipes should be used in all cases where I had the power to compel their adoption; this met with resistance from the builders (and the public advised by them,) who asserted that a 6-inch or 9-inch pipe was totally insufficient to drain a house, and predicting all sorts of failure: but this prejudice has now almost entirely passed away, and the use of pipes has become almost universal.

The great essentials for effective house drainage are—that the sewer should have a good fall, and be laid with a regular inclination from the highest to the lowest point, and when necessary to change the direction. It should be done by regular curves, and not sharp bends or angles. The sewer should be of such size and shape as to give the water passing through it power to scour out all deposit; and the material with which the sewer is constructed should be durable and capable of being put together so as to secure impermeability, that the fluid flowing through cannot soak into the earth and cause dampness in the floors and foul and noxious effluvia. It is also very material that the sewer should be so built as to prevent rats burrowing through, and all openings should be properly trapped to prevent the gases escaping into the houses.

Those conditions can always be obtained—first, by carefully laying out the drains, a matter worthy of the most careful attention of the architect or surveyor in charge of the works; the second, by using good vitrified stoneware pipes, carefully laid and jointed. This can be done at an expense considerably less than by the cost of the old mason work sewers.

The inclination of house drains should not, if possible, be less than 1 inch in 10 feet, and the greater the fall the better. It is always

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desirable that the water tap or cistern should be so situated that the waste water should pass in at the beginning of and flow through the drain, which will materially assist in keeping it clean.

The size of pipe generally used in Dublin for house drains is 9 inches in diameter. I have no doubt but that in most cases a 6-inch pipe would be quite sufficient, and in many cases better than the 9-inch; but the public and builders had been so long accustomed to the large square drains that I was obliged to yield a little on this point.

In many towns drained under the direction of the Board of Health and some of the larger towns in England, 3-inch and 4-inch pipes are used for house drainage; and in some places (as at Manchester) they are made of the egg shape, instead of circular. It is maintained by the supporters of this system to answer very well, and they contend that those sizes are more efficient than the larger size. This I consider is running too near the extreme of the old system, and I believe the medium sizes, from 6 inches to 9 inches, are the best. To enter into all the arguments which have been brought forward in support of small pipes, both for main drainage and house sewerage, would be tedious and out of place here; but having long since visited most of the large towns in England and made myself acquainted with the various systems of drainage adopted therein, I have come to the conclusion that the sizes I have recommended for adoption are such as may safely be relied on, and I have now had experience of their working for over ten years.

In conclusion, I wish briefly to refer to another matter in connexion with the sewerage of the city which has engaged much public attention and is an evil of very great magnitude—that is, the foul state of the bed of the river Liffey, and the bad effluvium emitting from it when the tide is out, particularly during hot weather.

It cannot be denied that this is due to the fact that the river is made the outlet for the entire drainage of the city. To remedy this evil, plans have at different times been proposed.

Many years ago the late eminent engineer Alexander Nimmo proposed to construct intercepting sewers along the line of quays, to conduct all sewerage below Carlisle Bridge; and other engineers have since brought forward schemes of a somewhat similar character, only suggesting the discharge of the sewerage lower down the river.

In my general plan for the improvement of the sewerage of the city, published in 1852, I designed two lines of intercepting sewers, with the view of diverting the sewerage from the river, the objects being the same as former plans, but differing in detail.

On the north side it was intended that the sewer should commence west of the King's Bridge and continue eastward along the quays to Beresford Place and then by Store Street, Amiens Street, and the North Strand, where it would pass under the canal at Newcomen Bridge, thence along the North Strand to nearly opposite Bayview Avenue, where it was proposed to turn it to the eastward through the north lots, and discharge it into the bay at the eastern extremity of

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the east wall opposite Clontarf Island, where we have at present an outlet for the drainage of the north-eastern district.

On the south side, I proposed the sewer should commence near the King's Bridge, thence continue eastward along the quays to the end of Sir John Rogerson's Quay, and there discharge into the river. Those sewers where running parallel to the river to be constructed either along outside of quay wall or under the carriage-way of the quays, as may, on a detailed survey, prove most advantageous.

I believe if the above works were executed a great improvement would be the result; and they are similar in many respects to the low level sewers designed to relieve the Thames in London, only on a much simpler and less expensive character. They would cost probably £40,000; and the question arises, Can we calculate with certainty that they would entirely remove the evil complained of?

In London, which is situated some fifty miles from the sea, if the intercepting sewers be continued down the river far enough below the city, there can be no doubt but the sewerage can be discharged at such a distance that the return tide will not bring it back; and whether the plans at present being carried out will effect this, time can only tell, there being a great difference of opinion among engineers on the question. Dublin being on the sea, it is to be feared that the return tide will bring back a portion of the sewerage matter which would be deposited on the bed of the river, and emit foul exhalations at low water. A large quantity of foul matter is also carried down by the river Camack to the Liffey, and quantities of filth are thrown into the river by the shipping which I believe never can be prevented; all those will tend to keep the banks foul, even if the city sewerage was diverted. Under those circumstances I have recommended the Corporation to postpone any action as regards those intercepting sewers until we see the result of the great works at present being carried out in London, and in the meantime to complete the other sewerage works of the city, which I hope will be done in about five years from the present time, proceeding at the same rate of annual expenditure as heretofore.

I may mention that the Corporation have not borrowed money to execute their sewerage works as has generally been done elsewhere, but levy fourpence in the pound upon the valuation of the city for sewerage purposes, which realizes about £8000. The first charge on this sum is for the maintenance and repair of existing sewers, which costs about £2000 per annum; the balance is regularly expended building new sewers, and permanently improving and restoring such of the old sewers as can be made available. By those means the Corporation will complete the sewerage of the City of Dublin without creating any debt chargeable on the rates, and in a few years they will be able to reduce the sewerage to probably twopence in the pound.

About the period at which I calculate the sewerage of the city will be finished (with the exception of the intercepting sewers) I hope the proposed new water works will be also completed. Those

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will insure to the city and suburban districts an ample supply of the purest soft water, laid on constant service, and at high pressure. Dublin will then possess the two principal requisites for the preservation of the lives, health, and comfort of its inhabitants—namely, an ample supply of the best water for domestic and other uses and good sewerage.

IMPROVEMENT OF THE PUBLIC HEALTH.

Facts and Suggestions on the Registration of Disease. By Benjamin W. Richardson, M.A., M.D.

In order to arrive at a correct knowledge of the causes of the diseases of the community, and to see the way clearly and scientifically to the prevention of disease, the first great step consists in securing systematic and widely-extended tables of facts bearing on the existence of particular diseases, occurring at the same periods, in different localities, and under differing social conditions. This method of research would apply to all diseases,—to those which are fixed amongst us, such as cancer and consumption, and to those which are recurrent, such as measles, scarlet fever, and small-pox.

But, in recognising the necessity for the registration of all the diseases that afflict humanity, I do not think it a practical plan to broach the idea of a system of registration which should at once attempt to embrace diseases in their universality. I consider that registration will commence best by a plan that shall confine the labour to disorders transitory and migratory in character, I mean to disorders of the epidemic class.

These last-named affections offer themselves primarily to our consideration owing to the facts that they present, an acuteness of outline and a demonstration which are peculiarly marked; they thus attract more immediate attention and become objects for contemplation to all practitioners of medical science; and not to these only, but to the public at large. I wish it to be understood, therefore, that in this communication I shall consider the question of registration in its simple application to epidemic affections.

For the sake of order, I will classify the subject-matter to be submitted under the following heads:—

I. The study of epidemic diseases.

II. Method of registration, its principles and objects.

III. The attempts that have been made to establish a method of registration.

IV. A plan for the complete registration of these diseases in England.

I. In the study of epidemic diseases we observe (however widely we

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may extend the list of the diseases) a unity, presenting a variety of phenomena. This is the fact first to be learned in this study.

M. Jules Guérin, in the *Memoirs* of the Imperial Academy of Medicine for 1853 and 1854, admirably remarks, "that the study of epidemics, submitted as yet to too few regulations, and left too much to individual choice, has never rendered the service it is capable of yielding to science and to mankind.

"Considered in their highest characteristics, epidemics are the great manifestations of a sole and identical cause which impresses a uniform and well-marked character on all its products, leaving to surrounding actions only a limited and secondary influence.

"It results from this predominance of the great epidemical cause, that all the diseased individualities in the same epidemic have a general and principal resemblance, and exhibit only particular and accessory differences.

"As a consequence of this general proposition, epidemics become immense centres of observation, in which the extent, number, and diversity of the facts, and the variable conditions of their manifestations, are constantly throwing light upon the most obscure problems of disease. That which is only seen imperfectly, or in separate letters, in occasional diseases, may be read in large characters and entire words during epidemic visitations. The cause of the occasional disease is almost always feeble and isolated; and dividing its influence with the ordinary producing conditions of age, sex, constitution, and season, it gives rise to mixed and ill-characterized products, the comparison of which is a matter of difficulty. In a word, in occasional diseases the elements of uniformity are almost equally balanced by those of diversity, and the products are as the factors. In epidemics the essential cause is one and absolute, and of sufficient energy to take the lead. In the presence of these grand manifestations the mind requires to make scarcely any effort to seize at once and to compass in its entirety that which observation in ordinary diseases is obliged to seek, from its useful auxiliaries, analysis, comparison, and enumeration."

That which M. Guérin has here so ably written I would fully endorse. It is and must be clear to every thinking mind, that these great visitations of disease which ever and anon enter our homes, shaping the same course, presenting the same general features, destroying, on an average, the same numbers of persons, and passing away, as it were, in disciplined order, offer marks for the scientific inquirer, which ought at once to be read off by him, and to suggest to him how such grand and steadily governed armies of disease may be arrested in their march or even annihilated altogether.

But, when we look round at the progress which has been made, and is being made, towards the perfect comprehension of these disorders, we see no system as yet, developed or developing, that promises anything like a successful attainment of objects as beneficent as they are great. The majority of disease observers, indifferent as to causes, are content to rest their exertions on the

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remedial department of their art—in curing those conditions which ought never to have been permitted; whilst others, who look for causes and study prevention, are carried away by their own thoughts and experiences. Possessing no common language, guided by no standard, working by no system, their labours are confined to their individual intellects: they leave behind no data from which others may make a start, and offer no suggestive thought which their followers may work out to a solution. Nor are these the only shortcomings: there is another, having reference to the periods during which the disease should be studied, of no small moment.

The study of an epidemic admits of being pursued at two different times—first, when the epidemic itself is present; second, when it is absent, from the data which it has supplied. Unless this division of labour is introduced into the work, no organized system of observation will prove of avail. I believe, indeed, that half the want of success that has appeared in the study of epidemics has arisen from the fact, that by the majority of observers these diseases are only thought worthy of consideration at such times as they are present. Hence we see, during a serious epidemic visitation, all thoughts roused and every eye observing; but no sooner has the visitation fled by, than, as if wearied outright by the duties of the task, all thought rests and every eye sleeps.

I need not say to what an extent this mode of conducting an inquiry is hasty, fretful, and useless; but I would, for the sake of instituting a striking contrast and result, add this observation, that if the eclipses of the sun or moon had always been observed in the same manner as physicians observe recurring diseases, the nature of an eclipse would have remained as yet an unsolved problem. Taken simply as a natural phenomenon, an eclipse resembles an epidemic in many particulars: it comes suddenly, it conveys to the unlearned the idea of irregularity, it lasts only for a limited period, it rouses the fears of the common mind to the fullest extent; and amongst those who do not understand the subject in its simple, true form, every kind of vague and absurd theory is set up in reference to its causes. It is obvious, however, that the mere observance of an eclipse *per se* could never have explained the reason of its appearance, and have proved the truth of that reasoning, by the prediction of a recurrence of the same phenomenon. More was required. The facts of the phenomenon had to be taken at the time: the reason of the phenomenon had to be collected from more general observations and relationships, from after study, and from a comprehension of the order and plan of the stellar universe as a whole.

In instituting this comparison between an astronomical and an epidemiological inquiry, I do not wish to lay down an absolute parallelism. I know, indeed, that such does not exist. But there is an analogy in the two studies; and my object is to show, that the time in which an epidemic is present is not the only time when such epidemic admits of being studied; nay, that the discovery of the laws of an epidemic visitation can only be attempted properly when

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the epidemic is fairly past, and when the facts which it has presented are fully laid out before the reasoner.

II. In instituting a method for the registration of disease, two objects must be kept fully in view. The first is the collection of all the facts relating to any current epidemic; the second consists in the classification, analysis, and computation, of the facts collected. In pursuance of the first of these endeavours four elements are required—

1. The whole competent mental strength of the district or country in which the epidemic exists.
2. Uniformity in the system of observation.
3. A ready and easy mode of recording observations.
4. A properly constituted plan, by which the facts observed may be collected and prepared for subjection to analysis and induction.

In pursuance of the second great object a central authority is necessary. This authority, whether consisting of one man aided by an efficient staff, or of a board, ought to exist independently of the observers of the facts. The duties of this central authority would consist simply in analyzing everything that was put before it, irrespective of all theories or suggestions. It should be composed of men well conversant with mathematical science, and who should have no other labours on their hands except those peculiar to their office as registrars of facts.

III. Attempts to effect a registration of disease have as yet failed. They have indeed been very few in number, many of them have been indifferently organized, and all of them have been miserably encouraged by the public and even by the scientific world itself. In France the State has physicians whose business it is to visit any place where an epidemic is raging, and to report the facts observed to the Minister of Agriculture and Commerce. But that any law relating to the diseases should be educed from this plan is impossible, for the inspection is only made at particular periods, and then imperfectly. I believe, also, that the attempt, as it is carried out, leads to much jealousy between the physicians sent by the Government and the local practitioners.

In Germany, efforts at registration have been made by private societies of scientific men; but never to continue long in organization and action.

In England, the Epidemiological Society—certainly one of the most useful bodies in existence—has made attempts, admirable in their way, to gather the particulars of special epidemics, such as cholera and diphtheria.

For a short time the Medical Officers of Health in London tried to establish a registration system, and with some success; but their efforts have now ceased.

To a certain limited extent the institution of the mortality returns of the Registrar-General have operated as a registration of disease. These returns are invaluable as showing, on a grand scale, the mortality of epidemics, their prevalence, their course, their effects on the

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sexes, their relationships to season, and, it may be in an imperfect manner, their connexion with meteorological conditions. Still, these returns are only valuable, absolutely, as regards mortality; this, their original object, is their only direct good. They exhibit accurately the balance paid over by disease to death, but not that which is paid over by health to disease.

In 1854, an endeavour was commenced in the "Journal of the British Medical Association" to register diseases as occurring in connexion with meteorological phenomena. Several stations of observation were appointed, and for some years returns were supplied and published week by week. The scheme was good, but was too special in its intention. It ceased before any definite results were obtained.

The immense work, the Census of Disease in Ireland, may be looked on as connected with the registration of disease, inasmuch as it supplied the facts of the amount and character of the diseases present at a given time in a great country, the social position of which was being chronicled at the same moment. But the information thus gathered, all-important as a standard, was struck out too suddenly to admit of analysis, as a register of the progress of the disorders specified.

The history of the various attempts at registration of disease by other observers thus glanced at, I pass to notice my own experience of an attempt in the same direction, which, commencing in 1855, was carried on, without intermission, for four years.

The results of this attempt were published regularly each quarter in the pages of the *Sanitary Review:* at one time as many as fifty fellow-labourers were working with me in the inquiry: and as the organization was carefully laid, and the labour was sustained much longer, and on a larger scale, than in any previous attempt, I hope it may be acceptable to the Association to receive in outline an account of the plan on which the registration was carried out, of the working of the plan, and of the reason why it ceased.

My first endeavour was to obtain a certain number of stations in different parts of the country, and to supply to one or more resident medical man forms of returns in which they could note the current diseases. The first difficulty consisted in securing willing and competent observers, and this was great. However, in the latter part of 1854 I had the nucleus of a force, and was able to receive reports from twelve stations—viz., Hastings, Bridgewater, Canterbury, Wanstead, Putney, Swansea, Saffron Walden, Bedford, Thetford, Nottingham, Hawarden, and Gainsborough. The observers in every case were medical men enjoying a large share of practice and possessing opportunities for knowing of the existence of any disease which might occur near them. They were requested to confine their observation to the following allied disorders:—Scarlet fever, measles, small-pox, hooping cough, croup, catarrh, influenza, erysipelas, cholera, ague, remittent fever, diarrhœa, dysentery, typhus, puerperal fever, and carbuncle.

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To make their observations uniform, each observer was supplied quarterly with a sheet of which the following is a specimen :—

TABLE I.

Sanitary Review.—Local Report of Epidemic and Endemic Diseases.

INSTRUCTIONS FOR FILLING UP THE RETURN.

The object of this Return is simply to show what epidemics have been present in certain localities during given periods of time. It is hoped that, by a condensed series of these observations, taken in different parts of the kingdom at similar periods, much light may be thrown on the origin and progress of Epidemics.

The mode of filling up the Table is simple. Each observer will, at the end of every week, place in its proper column a cross (×) opposite the name of such of the diseases mentioned as may have occurred in that period within the sphere of his observation.

As it is the object of the Table to ascertain the presence of the disease named rather than the number of cases, the occurrence of even a single case should be chronicled. But observers who may wish to notice other important facts, such as the extent and mortality of an epidemic, its mode of origin or importation, meteorological phenomena, &c., may do so in the blank space headed "Additional Observations." Observers will please return the Report, punctually, on the first days of March, June, September, and December.

Place of Observation_____Latitude_____Longitude_____

Quarter ending_____185 .

Week ending.....							
1. Scarlet Fever							
2. Measles							
3. Small-pox							
4. Hooping Cough.....							
5. Croup.....							
6. Catarrh							
7. Influenza							

As will be seen from the instructions supplied with the sheet, the object of this return was to show what epidemics had been present in the localities of the observers during given periods of time. The mode of filling up the table was very easy. Each observer at the end of every week placed in its proper column a cross, opposite the name of such of the diseases as had occurred in that period within the sphere of his observation; and as it was the object of the table to ascertain the presence of the diseases named, rather than the number of cases, the occurrence of even a single case was chronicled. Observers who wished to notice other important facts, such as the extent and mortality of an epidemic, its mode of origin or importation, or meteorological phenomena, did so in the blank space headed "Additional Observations." The returns were made up to me quarterly. When all the returns of each quarter had been collected, they were analyzed and tabulated as is shown in specimen table.

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TABLE II.

SPECIMENS OF LOCAL RETURNS FOR REGISTRATION OF DISEASE.

PROGRESS OF EPIDEMICS.

Local Reports of Epidemic and Endemic Diseases during the Months of March, April, and May, 1857.

Place.	County.	Lat.	Long.	Observer.
St. Mary, Scilly	Cornwall	49.50 N.	6.24 W.	J. G. Moyle, Esq.
Teignmouth ...	Devonshire ...	50.32 N.	3.29 W.	W. C. Lake, Esq.
Odiham.....	Hampshire ...	51. 8 N.	1. 3 W.	J. McIntyre, M.D.
Canterbury ...	Kent.....	51.17 N.	1. 4 E.	G. Rigden, Esq. W. Haffenden, Esq.
Chatham	Kent.....	51.21 N.	0.14 E.	F. J. Brown, M.D.
Wandsworth..	Surrey	51.28 N.	0. 7 W.	G. E. Nicholas, Esq.
Putney	Surrey	51.28 N.	0. 8 W.	R. H. Whiteman, Esq.
Up. Holloway.	Middlesex ...	51.32 N.	0.03 E.	W. B. Kesteven, Esq.
Swansea	Glamorgansh.	51.38 N.	3.50 W.	W. H. Michael, Esq.
Aspley Guise..	Bedfordshire...	52. 1 N.	0.37 W.	J. Williams, M.D.

QUARTERLY STATEMENT—No. X.

[*The dates denote that the disease appeared in the weeks then ending.*]

SCARLET FEVER.

Canterbury—Mar. 13-20, April 10-17, May 8-22.
Swansea—All April, May 8-15.
Bedford—April 10-17.
Beccles—March 20-27.

MEASLES.

Chatham—March 27.
Wandsworth—April 24.
Upper Holloway—March 20, May 8-15.
Saffron Walden—March 13-27, All [April and May.

SMALL-POX.

Canterbury—April 17-24.
Chatham—March 20.
Swansea—May 22-29.
Sharnbrook—April 3-10.

HOOPING COUGH.

Canterbury—All March, April 3-17, May 1-22.
Chatham—March 6, April 10-17.
Wandsworth—April 24, May 1.
Putney—April 17.

CROUP.

Canterbury—April 10-17, May 8-15.
Chatham—April 3-17.
Upper Holloway—March 27, April 10-17.
Swansea—March 20-27, April 3.

CATARRH.

St. Mary's, Scilly—April 24, May 1-15.
Teignmouth—March 6-20, April 10-24, May 1-15-29.

DYSENTERY.

Teignmouth—March 13-27, May 22.
Chatham—March 6.
Wandsworth—March 27, April 3-10, May 1.
Putney—April 17, May 1-8.

TYPHUS.

Teignmouth—March 20, April 3-10.
Odiham—March 13.
Canterbury—Every week.
Chatham—Every week.

PUERPERAL FEVER.

Putney—May 1.
Saffron Walden—March 27, April 3.
Newport Pagnell—May 8.
Alford—March 20.

CARBUNCLE.

St. Mary's, Scilly—May 1-8.
Teignmouth—April 24.
Canterbury—Every week.
Chatham—March 20-27, April 3.

VARICELLA.

Wandsworth—March 6.

ACUTE RHEUMATISM.

Wrexham—All March, April 3-10.

We obtained from these tables at one glance a perfect view of the progress of the diseases named at given points of latitude and longitude, their prevalence according to season, the relative duration of each form of disease, and the order in which one epidemic followed another.

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these essential facts much interest was added through the "additional observations" made by each observer. Knowing well how much the time of the busy medical practitioner is occupied, and feeling sure that any intrusive and organized encroachment on his time and industry would be safe to carry with it its own destruction, I abstained from doing more than suggest what information would be most useful, leaving the details to volunteer effort. In the suggestions thus respectfully offered I took care, however, always to hrow in major considerations. The following points of information were specially asked for:—

1. Notes of meteorological changes taken daily, and classified side by side with the report of disease.

2. Notes on the diseases of inferior animals, classified by the side of the diseases occurring simultaneously in the human subject.

3. Notes on the condition of the vegetable world and of the diseases of vegetables, classified in the same way.

4. Notes on the water supply of the different stations, and on the real or apparent connexion of such supply with the prevailing diseases.

5. Notes on the sanitary state of the station—of drainage, of food, of architecture, and, in fact, of the social condition in general of the locality.

6. Notes bearing on the mortality of the disorders specified in the returns.

7. Special note as to the method by which any given epidemic found its way into any given locality: whether a case of the same disease had been imported, or whether any article had been imported, which could have contained a poison.

8. Special note as to the outbreak of any new epidemic disease within the bounds of any station, and as to the mode of origin and propagation of such epidemic.

The plan thus arranged, we commenced the first publication of our labours in April, 1854. The reports came in from the twelve towns I have already named. In our next return, made the succeeding quarter, three new stations were enrolled, and we went on adding to the number, till, in 1858, we brought our number up to as many as forty-four stations. It will be seen that our line of observation extended from the extreme southern to almost the extreme northern point of the country—*i.e.*, from St. Mary's, Scilly, to Lerwick, Shetland.

Divided into counties, the points of observation were arranged as follows, the names of the observers being also supplied: *

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* I am prevented by limitation of space from completing this table, which, in its perfect form, gives the names of all the observers who lent me their valuable aid in the labours now under description. I think it requisite to add the names of the remaining observers, and publicly to acknowledge how deeply indebted I am to every one who has assisted me in these inquiries. The remaining names stand as follows:—Mr. Whiteman, Putney; Mr. Nicholas, Wandsworth; Mr. Kesteven, Holloway; Mr. Cox, Hawkesbury; Mr. Michael,

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Counties.	Stations.	Observers.
Cornwall	St. Mary's, Scilly	Mr. Moyle.
Devonshire	Teignmouth	Dr. Lake.
Hampshire	Portsmouth and Odiham	Drs. McIntyre & Jackson.
Somersetshire	Bridgewater	Mr. A. Haviland.
Kent, &c.....	Chatham	Dr. Brown.
	Canterbury, &c.	Messrs. Rigden & Reid, and nine observers by Mr. Haffenden.

It would take up too much of the time of the Association to give the particulars of the whole of the materials collected by these indefatigable observers. Their labours would make up, indeed, a volume of some 300 closely-printed octavo pages. I would, however, claim permission to offer a brief account of the working of this voluntary scheme. I may observe, then, that with care on the part of the collection, the reports were obtained with a regularity and precision which I had by no means expected, and that in the neighbourhood of the stations no material fact relating to the disorders was omitted. In many cases, moreover, all the additional particulars asked for were supplied with the greatest care. Meteorological records were kept by several of the observers, and the influences of the various meteorological conditions on the progress of existent diseases were accurately noted. In many cases, also, the diseases of the inferior animals were regularly given, and connexions were traced as occurring between diseases of the chest in the human subject and in the cattle of neighbouring parts. Some of these facts, affirmative in kind, were of great value, as tending to show that pleuro-pneumonia in the inferior animals is usually co-existent with diseases in man of an inflammatory exudative character taking on an epidemic type.

In a vast number of cases evidences of the origin of diseases from local causes were cited with a circumstantiality which was irresistibly conclusive, and over and over again the subsidence of epidemics on the removal of such producing causes was clearly demonstrated.

The occurrence of new forms of disease, and of peculiarities of types in diseases common to the neighbourhood, were supplied with much fidelity. Thus, the fact that diphtheria was present in England was first communicated to me by Mr. Rigden, of Canterbury, and was published by Mr. Haffenden, of Canterbury, in his quarterly statement

Swansea; Dr. Barker, Bedford; Dr. Williams, Aspley Guise; Mr. Stedman, Sharnbrook; Mr. Laver, Colchester; Messrs. Spurgeon and Stear, Saffron Walden; Mr. Rogers, Newport Pagnell; Mr. Dalby, Wellingborough; Dr. Crowfoot, Beccles; Dr. Vincent, East Durham; Dr. Bailey, Thetford; Mr. A Freer, Stourbridge; Mr. Houghton, Dudley; Dr. Thomson, Burton-on-Trent Mr. Swann, Barrowden; Dr. Hole, Wisbeach; Mr. Cartwright, Oswestry; Mr. Eddowes, Pontesbury; Dr. Robertson, Nottingham; Dr. Williams, Wrexham; Dr. Moffat, Hawarden; Mr. Thorpe, Stavely; Dr. Lowe, Lincoln; Dr. West, Alford; Mr. Bickerton, Liverpool; Mr. Spinks, Warrington; Mr. Hussey, Wigan; Mr. Pendlebury, Bolton; Mr. Proctor, York; Mr. Radcliffe, Bramley (now of London); Mr. Todd, West Auckland; Mr. Summers, Rothbury; Dr. Spence, Lerwick.

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for April, 1856, from the nine observers on that station. In a word, the working of the plan was as effective as the most sanguine could desire. As the records became known, fresh volunteers from different parts came in; and had I continued the proceeding I could in time have secured at least one observer in every large town in the kingdom. I could also have changed the character of the return so as to have received it monthly or even weekly; but I regret to say that the success which so completely followed the effort was the immediate cause of the cessation; for in proportion as the registration became more effective, the expenses attendant on the carrying of it out became proportionately large, so that after a four years' struggle to sustain it, I was compelled to relinquish the project altogether. I fear the same fate would attend any other single-handed effort in the same direction, unless the conductor had an independency, or adequate assistance and encouragement from without. At the same time, after an experience longer by far, and much more laboured, than has ever before been made in the registration of disease, I am convinced that the perfection of a system of registration, and the carrying of it into practice, is the most certain of tasks; and that an entire comprehension of the laws by which epidemics, at least, are governed would be the result of such a task, if it were well sustained for ten or fifteen years.

IV. The last point to which I would ask the attention of the Association has reference to a plan for the complete registration of disease in England. Six years ago I placed the details of this plan before the Epidemiological Society, and in January, 1858, I brought it again forward in the *Sanitary Review:* I hope now to obtain for it a third and wider reading.

The principle on which this proposed plan is based consists in nothing more than a simple arrangement for transferring the present weekly returns of the Poor Law medical officers into accurate official records of the diseases of each parochial district.

Let us, for a moment, glance at the extent and capabilities of this proposed system of registration.

In the first place, the whole of England is fairly divided amongst the union medical officers. The poor of the districts are mainly under their care; and the inference therefore is tolerably safe, that no important epidemic could occur in any part without being duly noticed.

Secondly, the points of observation are numerous. I find, from a return made by Mr. Baines to the House of Commons, in the year 1853, that there are not less than 3,233 parochial medical officers in England and Wales.

Thirdly, the observers thus occupied are of all men the most fitted for the task. They are stationed in their special localities for great lengths of time; they are well acquainted with the characters of the localities, with the manners, habits, and diseases of the people; and they are, as a general rule, among the most zealous, humane, and educated members of the community.

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Fourthly, and this is the most important of all, the parochial medical officer, as we know from experience, could make returns of his observations of disease with the least possible labour. He does, in fact, already make these returns, in great part, without any reference to their more important bearings. In order to supply his board of guardians with correct information on the condition of the poor under his charge, he is furnished with a weekly return-sheet. In this sheet it is his duty to enter the name, the sex, the age, the residence, and the disease of each of his poor patients. He has, further, to state the days on which he visited the patient, the diet required, and such other general observations as he may think proper.

Having myself made use of these return-books in collecting facts on disease, I can speak with certainty as to their value, even in their present rudely constructed form; and could these records, as they now exist, be brought together, we might glean from them a large amount of valuable information. But if these 3,233 weekly returns, drawn up for trifling objects, comparatively speaking, were so modified as to become really scientific registers of epidemic diseases, and, if thus modified, they were regularly transmitted to some central authority who could use them for a definite purpose, what truly important tablets of disease they would become. There would then be no disease registration in the world like that of England.

As regards the forms themselves, it is worthy of remark, that in their present state they perform only a temporary purpose. They supply the guardians of unions with information for the week, and are then forgotten. I believe that under any new system, which should require the papers to be sent away after the meeting of the board, a duplicate need scarcely be retained. Pile upon pile, mouldering away amongst dust and rubbish in the cellars of workhouses, and in the surgeries of medical men, lie what might become the greatest records of disease ever published—veritable histories, which Government has often sought after at great pains, great cost, and little advantage.

The modifications required in the book supplied by the guardians to their Poor Law medical officers are few and simple. The size of the book would remain the same, but one addition should be made:—upon the inner side of the cover, and on the fly leaf, should be pasted a map of the observer's district, together with a brief description of the geological characters, extent, latitude, longitude, produce, number of towns, population, and the like. These particulars, once drawn out and printed, would remain for many years without any material alteration. At all events, they would give the medical observer no trouble, though rendering his reports infinitely valuable.

The modifications required in the weekly returns themselves are also very few. The columns would remain unaltered. In the columns, however, now set apart merely to express the number of visits paid, another letter or two should be introduced to indi-

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cate certain important facts. The V or the X might still stand to represent the visit; but the letters D D should be inserted to show the day of commencement of disease, the single D to represent the day of death, the letter C to show when convalescence commenced, and R to point out the time of complete recovery.

By an extension of the day columns, and by a few cross lines, an arrangement might be formed for recording the meteorological readings of the week; while the date at the top, as given in present returns, would decide the question of seasons. The last two columns might well remain unchanged—the one for necessaries would show the diet of the patient; the one for general observations would leave room for notes on treatment, hygienic conditions, or other special points. This column would be better if left rather larger than it now stands in the return-book. (See Table IV.) In intrusting to medical officers of districts duties so important, a fair scale of remuneration should be adopted, for by this means they would be led to accept the labour as part of the business of their professional life.

The weekly return of disease, immediately after it has served its local purpose, should be despatched at once to the Metropolis, to be reported upon weekly, after the manner of the reports of the Registrar-General of Births, Marriages, and Deaths.

I feel it possible that one objection may be made to these records. It may be said that they will not represent the epidemics of a whole population. To this I answer, that the number of cases occurring in any given epidemic is of no importance whatever if the course of the disease be observed over an immense and isolated tract of land, such as England, if its general characters be carefully described, and if the conditions which peculiarly favour its manifestations be accurately pointed out. From three thousand weekly returns, all constructed on the same principles, these and many other facts could not fail to be elicited; while from the facts themselves, carefully stored up for some years, would eventually be wrought out the historical formula of every epidemic disease.

In conclusion, while I have felt it my duty to bring before the notice of the Association the great fact, that in England there exists a registration of disease which, slightly amended and applied, would lead the medical profession to a fixed scientific knowledge of the laws by which great pestilences are moved and governed, and, as a result of such knowledge, to the entire removal of these pestilences, I have little hope at present that the reform suggested will be carried out. The question of Poor Law medical relief is in itself so difficult, and so many obstacles stand in the way of its reform, that we must, I fear, be content for a long time to see three thousand returns of disease thrown away weekly;—a sacrifice of science, in her noblest efforts, to political necessities and public apathy.

Meanwhile, as the diseases continue to destroy, we must trust, as we have as yet trusted, to individual effort; and if the history given above should prove an incentive to new exertions, the object for which it was composed will have been richly fulfilled.

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Week ending Friday, 13th Day of November.														
Name.	Age.	Residence.	Parish to which chargeable.	Nature of Disease.	Days when attended, or when Medicines were furnished.							Necessaries ordered to be given to the Patient.	Present State or Termination of the Case.	Observations.
					SAT.	SUN.	MON.	TU.	WED.	TH.	FRI.			
John Williams	10	Chiltern...	Chiltern...	Scarlet Fever	X	X	X	X	X	X	...	2 ozs. of Wine daily	Serious ...	First Case. Imported case.

REMODELLED FORM.

Charles Jacob...	12	Chiltern ...	Chiltern...	Scarlet Fever	V, DD	V	V	V	V	V	D	2 ozs. of Wine daily	.....	Disease of malignant type. This was a second case and conveyed clearly by infection.
Jno. Jones	24	St. George	St. George	Rheumatism	V	V	...	V	...	V, C	...	.....	Convalescent	A mild case.
W. Thompson ..	16	Dunwich...	Dunwich...	Measles.....	V, DD	V	V	V	V	V	V	.....	Improving...	Bronchial symptoms severe. The epidemic has been prevalent during last two months.
Mary Atkins ...	86	Dunwich...	Dunwich...	Measles.....	...	V,DD	V	...	V	...	V	1oz. of Wine daily	Nearly well	A mild case.
Thos. Williams	14	Stone.....	Stone	Influenza.....	...	...	V,DD	V	V	V	V	2 ozs. of Wine daily	Serious	The epidemic spreading rapidly.

Direction of Wind.....	N.E.	N.	N.W.	N.	N.	N.	N.E.
Ozone	1	0	1	8	0	1	5
Mean Temperature	47°	49°	50°	40°	41°	43°	46°
Barometer	29·7	29·	29·6	30·	29·8	29·7	29·
Rain in twenty-four hours (inches).....	·004	·012	·010	·007	·000	·000	·002

On the Registration of Births, Deaths, and Diseases; with special reference to the Bills of Mr. Cardwell and Lord Naas. *By* ALEXANDER HARKIN, M.D.

IT is known to every member of the Association that Mr. Rumsey, of Cheltenham, in a paper remarkable for great power and originality, pointed out at the Bradford meeting the defects in the English Registration Act, and proposed a number of amendments, afterwards embodied in a series of resolutions, which received the unanimous approval of the Health Department; the result of those deliberations was afterwards communicated to the proper authorities, but without any immediate effect.

If we examine the drafts of the two Bills for the registration of births, deaths, and marriages, laid before the Select Committee of the House of Commons, and as usual withdrawn to reappear next Session, (let us hope in an amended form,) we perceive at once that they have a strong family likeness; framed on the English Act for Marriages of 1836. The promoters of either Bill very properly adopt the English arrangement of registrar, superintendent registrar, and registrar-general, each having kindred yet distinct duties; but while, by the English enactment, the salaries of the registrar-general and of the superintendent registrars are paid out of the Consolidated Fund, our friends consider that we should pay out of our scanty means the salaries of the superintendent registrars, as well as those of the district registrars. For the collection of this new impost Mr. Cardwell selects the Poor Law machinery, Lord Naas the county cess; of the two the latter is the more objectionable, as in levying it the poor occupier alone is liable, the absentee landlord being free from its infliction. But Mr. Cardwell's proposition is also very unfair, inasmuch as in Ireland the poor-rates have to bear all the expenses of the dispensary medical relief, while in England a moiety of the whole, never less than £100,000 a year—a sum equivalent to our whole dispensary expenditure—is paid to the medical officers out of the National Exchequer.

In the Bill of Lord Naas, the leading features are the collection of the returns of births and deaths by the constabulary force, and the addition of the duties of registering these returns to those now performed by the present marriage registrars of Ireland. The chief reason for employing the police in this scientific enumeration lies in their presumed correctness in taking the decennial census and in the ability exhibited in the collection of agricultural returns and the amount of live stock in the farmers' yards. We can form a fair estimate of the value of mortuary and reproductive statistics, with other vital phenomena, collected by such means, by referring to the evidence of Dr. Corrigan, before the Committee of the House of Commons in April last, on the Dublin Corporation Water Bill, when, alluding generally to the desirability of the registration of births, deaths, and marriages in Ireland, that

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very eminent physician stated, that "as evidence how little these returns of disease obtained by the Census Commissioners were to be depended on, he might mention, that in all Ireland, on the night of 31st March, 1851, there was not one person returned as labouring under St. Vitus' dance; only four were suffering from delirium tremens, only sixteen under nervous diseases, only fourteen from bronchitis, only sixteen from teething, only sixty from hæmorrhoids, only ninety-two from dyspepsia, only two from diabetes, only four from scald, (though the number in the workhouse hospitals, same night, was upwards of 2000.) It further appeared from the return that 'not a single person had died from syphilis in Dublin for a period of ten years,' and yet the Registrar-General for England gives a return of nearly 3000 deaths by congenital syphilis in a period of seven years alone." Passing to the Bill of Mr. Cardwell, we find that one result of the Select Committee's deliberation will be the alteration of the preamble, and the separate consideration of marriages from that of births and deaths. This is as it should be. The registration of marriages is for the future to be committed to the clergy who perform the ceremony. Let us hope that the Committee will show equal discrimination in appointing to the registration of births and deaths members of that profession whose privilege it is to witness the "exits and the entrances" of the actors who perform so many parts on the busy stage of human existence.

Looking next at the interpretation clause, that portion which defines the meaning of the word "occupation," and which seems borrowed from the Common Lodging House Act, is with it equally defective: it concludes thus, "and where any house is let in separate apartments or lodgings, shall include the householder, paying rent for the whole house, under whom such lodgings or separate apartments are immediately held, and any agent or servant of such householder, residing in such house." This provision is not sufficiently comprehensive to include the species of tenancy in which landlords non-resident let the rooms in large houses, not to lodgers, but to weekly tenants, from whom, by themselves or agents, they collect their weekly rent. That this is not an imaginary objection the police authorities of Belfast can testify, who, from this defect, had to submit for years to the continuance of an intolerable nuisance popularly known as the "menagerie." The landlord, living at a fashionable watering-place, and the lawless tenants equally defied the provisions of the Municipal and of the Common Lodging House Acts, until overcome by the salutary operation of public opinion and the Juvenile Reformatory Act, which recognised no difference between nightly lodgers and weekly tenants. The remedy, however, is simple: it is only necessary to add, after "such house," the words "or any person or persons residing in such lodgings or separate apartments," which are to be found in the Bill of Lord Naas. The clauses from 1 to 19 inclusive refer to necessary details, and do not involve any public principle. From 19 to 23 provision is made that the necessary expenses of the registrar's office shall be provided from local sources,

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which cannot fairly be objected to, as local advantages will arise therefrom. Clause 24 gives power to the boards of guardians to appoint the dispensary medical attendants to the office of registrars of births and deaths. As long as the administration of the Medical Relief Act is committed by law to the Commissioners of the Poor Laws, this arrangement cannot well be objected to; but that the guardians should also have the power of appointing the superior and superintending registrar I consider a very objectionable provision. That official, whose duty it should be to revise and report upon the manner in which the registrars do their duty, to control and test the accuracy of their returns, should be above all local influences; he should be likewise the superior sanitary officer of the district, and perform a duty hitherto unattended to in this country—viz., the weekly inspection of vaccinations. Hitherto the verifying of the successful results of vaccination has been left to the officer who performs it, and in one remarkable instance has held out a temptation to falsify returns. Unless we have regular inspection of every case of vaccination we cannot have any reliable guarantee that the true Jennerian vesicle has been produced, and cases of modified small-pox will continue to keep up and perpetuate a filthy disease. In England, according to Mr. Simon, now at the head of this department, "millions of vaccinations have been performed with lymph not fully possessing its original endowments." (Letter to General Board of Health, 1859, p. 39.) The superintendent registrar should, then, be appointed like the registrar-general, by the Lord Lieutenant, and be accountable only to his superior officer. His salary, too, as in England, should be paid out of the Consolidated Fund. The 38th clause, which requires parents and others to give particulars of birth within a given time, is open to several important objections. In the first place, it makes no distinction between the cases of children legitimately and illegitimately born, and applies the penalty of 20*s*. for non-registration indiscriminately to the fathers of both classes. This requirement is manifestly inappropriate to the registration of illegitimate children. The word "legitimately" should be introduced after child, and the clause would then read thus: "the father of any child legitimately born;" to the mother might be left the registration of the illegitimate. In this clause all reference to the registration of still-born children is omitted: by this means an indirect encouragement is given to the concealment of birth, almost the only crime at present on the increase in Ireland. This omission should be supplied, and should be extended to the birth of every child from the sixth month of utero-gestation; at the end of that month the child is viable; the criminal law takes cognizance of its condition even at an earlier period and protects its safety as stringently as in the sixth year of childhood; besides, in the absence of this provision, it would be impossible to have a correct idea of the rate of reproduction. There seems, too, in the provision of forty-two days, within which at any time a birth may be registered, to be an opening for serious abuse, and an obstacle removed from the com-

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mission of infanticide, the disgrace of manufacturing districts. If it were made compulsory to register the birth and the death of every child, and the death of every adult, within forty-eight hours after the occurrence, "a heavy blow and great discouragement" would be given to offences against life, and scientific inquiry into the causes of sudden deaths, when required, would then have some meaning and more satisfactory results. It may be objected that such requirements do not come within the scope of a Registration Bill which is merely for the enumeration—a daily census, in fact—of ordinary vital phenomena; but such reasoning cannot be admitted as sound, for a Registration Bill must have many other aspects, as upon the data supplied by it many important calculations and measures of an economic, social, jurisprudential, and sanitary nature will ultimately be founded. For similar reasons I would recommend that the clause should be made more stringent by the addition of a proviso that "no sexton or clergyman should inter, or permit the interment of, any dead body without a certificate from the registrar that the cause of death had been regularly certified to him by the medical man in attendance."

Clause 43, which provides that the medical attendant shall, under a specified penalty, transmit to the registrar a certificate of the death and the cause thereof, is perhaps the most important provision in the Bill, for upon the accuracy of this return depends its whole value in a medico-sanitary point of view, and for this reason the wording of the clause should, I submit, be more precise, and should provide in addition, that, in any case wherein the dead person had been unattended by a medical man, he should be visited by the medical registrar of the district for the purpose of obtaining accurate information of the cause and manner of death, in this particular following the practice in Paris, where the "Medicins des Morts" verify the death in every instance. This all-important information is, however, proposed to be procured by means not very praiseworthy. In England the members of the medical profession very generally give the information desired in a voluntary manner, and always gratuitously; by this Bill, however, the Government would take a step in advance, and compel the Irish medical practitioner, under a penalty, to give the information. According to Lord Stanley, the collection of statistics is essentially an affair of Government; and if the State requires such information as medical men alone can give, I submit that they should secure it by the ordinary and vulgar method of paying for it.

The proper fulfilment of the conditions in the 45th clause, which refers to the steps necessary to be taken on the finding of any new-born child or dead body, and which requires "that the registrar shall register, after proper inquiry, all the several particulars required to be known and registered touching the said birth or death, or so much and so many of the particulars as shall have been ascertained," involves the appointment of medical registrars, and makes apparent the impossibility of persons gifted only with an ordinary commercial

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or a clerical education complying with the terms of the Act. How could such a person properly interrogate the friends of a new-born child, or "make all the inquiries required to be known and registered touching the birth or death?" To do so effectually requires judgment and technical knowledge, regular medical training, and forensic skill, not usually found outside the ranks of the profession.

The remaining clauses are not obnoxious to unfavourable comment. The schedules come next; they appear generally well fitted for their intended purpose, but, form 2, the death register, is capable of improvement. To make it complete, two additional columns should be added, one for "date and place of birth," when procurable, the other for "previous residence." In the absence of these particulars, a very incorrect idea of the sanitary state of many towns and registration districts would be given, as the local death rate is often increased beyond its legitimate proportions in towns with large hospitals, and by invalids coming from distant localities in the pursuit of health.

Passing from the text of Mr. Cardwell's Bill to the general question, it must afford matter of congratulation to the advocates of a scientific, as opposed to a merely clerical or clerkly, registration, that there has been so much delay in legislating. Nothing could better illustrate the advantage of the Parliamentary *remorâ* in the shape of a Select Committee, or the correctness of the old adage "*in nocte consilium.*" Already it has been discovered, on mature consideration, that, save in the sensation-intelligence column of a newspaper, there is not any real connexion between the ideas of birth, death, and marriage, the two first being as truly vital phenomena as the last is distinctly social in its aspects. The Select Committee whose office it was to inquire into the best method of registering births, deaths, and marriages, has therefore very wisely decreed their separation, leaving for the next Session of Parliament the remainder of the inquiry respecting the purely vital statistics. We are given to understand, however, that some members of the Select Committee are inclined to recommend the appointment of the clergy for the other duties connected with births and deaths, while possibly some may adhere to the opinion that union clerks might answer the purpose. We are not informed that any clerks in holy orders have expressed a wish upon the subject; and it is not likely that this generation will witness a renewal of the ancient bond that united divinity and medicine; the tendency of opinion is not towards a revival of mediæval usages, nor does the public advantage, as in olden times, require such a combination. To the proposed employment of union clerks in the preparation or revisal of medical statistics, their failure in that office under the English Act should be a conclusive objection. We have happily at hand, however, a specimen of their peculiar style, as exhibited in the fourteenth, the last Annual Report of the Commissioners for administering the Laws for the Relief of the Poor in Ireland, p. 8. This table professes to state the number and the causes of deaths in the workhouses of Ireland from February 19th, 1860, to February 16th, 1861, a period of nearly a year; and

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being made up almost in the manner proposed in Mr. Cardwell's Registration Bill—viz., from returns furnished by the medical officers of the unions, afterwards tabulated and arranged by the union clerks, —supplies a fair test of their capacities for superintending the registration of vital statistics. We have first, then, the grand total of 10,271 deaths in the year, which, on a weekly average of about 45,000 inmates is a pretty large death rate. The gross number is arranged into columns of causes, thirty-three in number, more than twenty-five per cent. of the whole being embraced under the heads of "age" and "other diseases." We have, then, this precise and important information, that 2,979 inmates died of age and other diseases —1,813 dying of age, 1,116 of other diseases. This fully equals the lucidity of the returns of their *confrères* in England, whose "strictures of the windpipe," "worn-out stomach," and "want of vitality," relieve the dull monotony of scientific nomenclature; in fact, if the return read thus, "within the year ending February 16, 1861, 10,271 inmates of the union workhouses of Ireland died of age and 'other diseases,'" what great injury the science of medical statistics would have sustained, I should be at a loss to determine.

The scientific registration of diseases, however, cannot be separated from that of births and deaths in any well-regulated system, for, when we attempt to consider their relative influence on the increase or decrease of the population, we discover that disease has more direct influence on the increase than births themselves. It is long since Mr. Porter laid down the proposition that "population does not so much increase because many are born, as because few die;" and Dr. Price, that "mortality follows invariably the rate of sickness;" and this is still true, with a reservation in favour of modern improvements in medicine. If, then, the agency of disease is so powerful in controlling the increase of the population, it is surely but reasonable to expect that, when the Government is establishing a normal system of registration of the leading vital phenomena, it shall, at the same time, and by the most complete machinery, collect the most reliable information relative to the amount and nature of sickness, and of the circumstances under which it arises; in short, that it shall, along with the registration of births and deaths, unite in the same Bill the registration of diseases, beginning with that portion treated at the expense of the public.

Who among us can adequately calculate the loss to medical science, and ultimately to our common humanity, that results from our criminal neglect in not collecting and publishing the results of treatment, successful or otherwise, in our great national hospitals, our county infirmaries, union hospitals, dispensaries, lying-in hospitals, and asylums for the insane; or sufficiently lament, that with such an extended area of observation, how little, comparatively speaking, has been accomplished in establishing the laws that regulate the causation and prevention of disease? More than half the population of these realms are medically relieved in our public sanatoria, at very considerable outlay; how trifling the amount devoted to the prophy-

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laxis, or prevention of disease. With the exception of fees paid for vaccination, (£5,508 in Ireland,) to protect us from the inroads of a single malady, nothing is done for the diminution of preventible disease. Until, however, the dispensary medical attendant is required to devote himself as much to preventive as to curative medicine, until he is recognised as the permanent sanitary officer of the district, to which the course of events is rapidly tending, but half of his important duties will have been performed. For the registration of births, deaths, and diseases, the district medical attendant is admirably adapted. Familiar with every house, and almost every inhabitant in his district, trained to the computation of statistical returns, accustomed to the routine of efficient inspection, he would without any difficulty obtain the requisite information, and communicate it in the most satisfactory manner to the medical superintendent registrar, the knowledge obtained by him during the treatment of fatal disease being exactly what is required to certify correctly the cause of death. How easy, then, among other apparent advantages, to obtain a correct return of the vital statistics or local death rate of a town or district, for so far unattainable in England; and how instructive would our weekly or quarterly summaries of the public health read in our local journals. We might then refer with pride to our national statistics of disease, of our sanitary condition, of reproduction and mortality, and claim for them that pre-eminence accorded to systems established, in the words of Bacon, by "raising the superstructure of art on the foundations of science."

Hospital Statistics and Hospital Plans. By Florence Nightingale.

In my paper on the Sanitary Condition of Hospitals, (read before the meeting of this Association at Liverpool, in 1858,) the defective state of hospital statistics was pointed out, as well as the necessity for all hospitals coming to a common agreement on the number and nature of the data to be tabulated for future use. It then occurred to me that the best thing to do to forward the object would be to prepare a set of forms to give effect to these suggestions, and to bring them for discussion before the International Statistical Congress in London last year, the subject being one of interest for all hospitals, foreign and British. To do this, it was necessary to adopt a common nomenclature of diseases, as the foundation. Such a nomenclature had been already adopted at a previous meeting of the Congress at Paris; and was used in substance in the forms I laid before the London meeting.

It was most important to arrive at some common agreement as to classification of diseases, in order to give the requisite facilities for reducing the statistical data and obtaining the results. This matter is confessedly beset with difficulties, not likely to be soon solved.

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But, as it would never do to leave hospital statistics in the unsatisfactory state they were found in, till everybody had agreed on a classification, that one in use by the Registrar-General of England (and now by a large section of the United States) was adopted.

The paper and forms which I now lay before the Association are those which, after a lengthened discussion, were adopted by the Statistical Congress. I thought it right to bring them before the Dublin meeting, because of an implied engagement to follow up improvements I had myself urged on the Liverpool meeting of the Association, as above said; and also because I have been given to understand that several eminent hospital medical authorities in Dublin (in that spirit of improvement which distinguishes medical science there) had wished that the subject should be thus introduced.

It is proposed that one and the same form should be used for each statistical element. Seven such elements are required to enable us to tabulate the results of hospital experience; they are as follow:—

1. *Remaining in hospital* on the first day of the year.
2. *Admitted* during the year.
3. *Recovered or relieved* during the year.
4. *Discharged* incurable, unrelieved, for irregularities, or at their own request.
5. *Died* during the year.
6. *Remaining in hospital* on the last day of the year.
7. *Mean duration of cases* in days and fractions of a day.

These seven elements printed as separate headings and attached to copies of the same form, or written in, would furnish us with the means of tabulating every fact we require. Provision can be made for different sexes in one or two ways:—the column for each age may be subdivided for males and females; or it might be more convenient to have two sets of forms, one for each sex.

Again, surgical cases and injuries may be included in the same form with medical cases; or, in large hospitals, a separate set of forms might be devoted to surgical cases.

For small hospitals, one set of seven forms might easily be made to contain the annual statistics of ages, sexes, and diseases (medical and surgical;) but for very large hospitals, possibly four sets might be required.

The primary object of these Tables is to obtain an uniform record of facts from which to deduce statistical results, among which the following may be mentioned:—

1. The total *sick population, i.e.*, the number of beds constantly occupied during the year by each disease for each age and sex.
2. The *number of cases* of each age, sex, and disease submitted to (medical or surgical) treatment during the year.
3. The *average duration* in days and parts of a day of each disease for each sex and age.
4. The *mortality* from each disease for each sex and age.

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5. The annual proportion of *recoveries* to beds occupied and to cases treated for each age, sex, and disease.

In reducing the data to give the annual results, either percentages or per thousands may be used.

The number of beds constantly occupied may be obtained by taking the mean of the numbers remaining at the beginning and end of the year, if the hospital has been fully occupied; or the mean of the numbers remaining at the beginning and end of each quarter; or oftener, if the hospital be irregularly occupied; or the total number of days spent in hospital by all the cases during the year might be obtained; and by dividing the sum by 365, the mean daily sick would be arrived at. [The total daily "*diets*" issued during the year divided by 365 would give the same result.]

The "*sick treated*" during the year may be obtained by taking the mean of the admissions, and of the discharges from all causes, including deaths.

With fixed data, arrived at on these principles, we can readily obtain the proportionate mortality, not only of the whole hospital, but of every ward of it, and also the proportionate mortality and duration of cases for each age, sex, and disease.

The laws which regulate diseased action would thus become better known, the results of particular methods of treatment, as well as of special operations, would be better ascertained than they are at present. As regards their sanitary condition, hospitals might be compared with hospitals and wards with wards.

The whole question of hospital economics as influenced by diets, medicines, comforts, could be brought under examination and discussion.

The liability of particular ages, sexes, occupations, and classes of the community to particular forms of disease might be ascertained; other data, such as "married" or "single," previous attacks of illness of the same or different kinds, birthplace, &c., might be added for comparison, and hospital experience might thus be made to subserve sanitary improvement.

The data for these latter comparisons would have to be kept separately, as indeed they generally are in all well-regulated hospitals.

A. is a leaf of the hospital "Admission and Discharge" book, proposed by the secretaries to the Statistical Congress, for entering those details required for filling up the annual forms proposed by me and adopted by the Congress; and also for registering the additional particulars regarding the patients, required by the Congress.

B. is one of the annual forms referred to.

Especially I wished to call attention to the additional points of hospital statistics agreed to by the Statistical Congress, and which will be found at the end of my paper. They did not come within the scope of my forms. But they are of great importance, particularly those referring to the sanitary condition of hospital wards, and to the method of recording fresh attacks of disease *in* hospital,

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No. of Case.	Date of Admission.	Name.	Date. A ...T.	Of Death.	Of Discharge (Relieved) or (Unrelieved,) or otherwise.	Of Transfer to other Division of Hospital.	Duration of Case in Hospital, in Days and Quarters.	Remarks. — (Previous Diseases of Patients and of Parents.
1								
2	May 17.	John Johnson...	8	—	Aug. 18	—	94 days	—
3	Aug. 5.	Maria Wood...	8	—	Aug. 28	—	26 days	—
4	Nov. 3.	James Young...		Nov. 18	—	—	15 days	—
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								

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This Sheet will serve for the Classification of Cases in Hospitals under the following headings:—"Remaining, 1st January"—

Chorea .. ..
Mania .. ..
Epilepsy

ORDER VII.

Synovitis .. ..
Ostitis (including periostitis and endostitis ..
Exostosis .. ..
Curvature of Spine.. ..
Caries .. ..

the ages, and parts affected,

ORDER VIII.

roseola
urticaria
eczema
herpes
pemphigus
ecthyma
impetigo
acne
mentagra

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in the "Admission and Discharge" book. These data, if properly used, will enable a check to be kept over the sanitary condition of the hospital, at least as regards hospital diseases.

But it must not be forgotten that a hospital IS in a bad sanitary state before such diseases can appear. They are evidence of bad constructive arrangements or of culpable sanitary neglect having produced their results, rather than indices of the actual sanitary state of the wards. All careful hospital physicians and surgeons, as well as nurses, can generally tell to what extent a ward is healthy, or otherwise, by the manner in which cases are progressing, before actual hospital disease appears. *This* is the time to prevent the occurrence of hospital diseases, not after they have occurred.

I refer to the point because, since my papers were read, some melancholy instances have occurred of fatal hospital diseases arising from distinctly preventable causes. In one such case, in a small provincial hospital in one of the healthiest counties in England, twenty-four poor creatures ran the gauntlet of their lives in nine months, from erysipelas, of whom eight died. And this after very trifling accidents, or operations, none of which ought to have produced erysipelas at all—much less to have ended fatally. In this case there were both local causes of disease about the hospital, and there was also defective structure.

Especially am I anxious to recur to this latter point. I have seen several misapplications of the principles of hospital construction (briefly laid down in my former paper) defended because it was said they were adaptations of those principles; also bad principles of construction defended because they had been "already adopted"!

This is not the way to hasten human progress. Defects, the result of want of knowledge, must disappear; improvements, the result of experience, must advance.

I can do no more in the matter but reiterate the appeal (at the end of my former paper) that the real practical object and intention of these principles should be very carefully considered and embodied by those on whom it falls to design, to construct, or to manage buildings for the care of the sick.

Let us look forward to the time when the necessity of providing even for the record of *hospital* diseases, so much insisted upon by the Statistical Congress, will thus cease, and when the stigma of these diseases will be wiped out from hospital records.

EXPLANATION OF THE PLANS.

At the date of my former paper (1858) there was no really good plan of hospital construction in this country to refer to. Since that date, however, several excellent hospitals have been planned, and are now in process of construction. These will, when completed, practically show forth the principles required to give pure air to the sick, and to insure economical and efficient administration.

I beg to submit plans of two of these hospitals. They are both military—I am sorry I cannot give any civil ones as models, for

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they do not exist. Some, however, will soon exist, and it is fairly to be hoped that in all future hospitals generally, the same principles will be substantially adopted—yes, and improved upon. It need hardly be said that the details in civil must be somewhat different from those in military hospitals.

One of these plans is for an infantry regimental hospital for one hundred and twenty sick. The other is the plan of a General Hospital for the Royal Artillery Garrison, at Woolwich, (six hundred and fifty beds.)

The infantry hospital consists of one double pavilion containing four wards, each of twenty-eight beds, and four small wards of two beds each. The larger wards are open from end to end, so that the attendant in the nurse's room can see every bed in the ward. The small wards have windows on three sides, and are so arranged as to be under constant inspection from the same nurse's room. The water-closets and baths are at the angles of the wards, opposite the entrance, and are entirely cut off from the wards by a method of ventilation which insures any foul air being blown away from the ward. The large end window allows of easy ventilation during the night.

In this hospital the fireplaces are in the walls, with a window over them. Each large ward has a separate scullery; a matter of necessity, not choice.

The two pavilions are cut off from each other by a large passage and staircase traversing the building. The kitchen and stores are under a separate roof. The hospital sergeant and orderlies are quartered in the centre of the building; and surgery and waiting-room are in the same position, as also a day room for convalescents. Thus the whole administration is concentrated in the middle, and the hospital sergeant can always know at any moment where each of his orderlies is, and where he is not, and what he is doing; and the same of each of his patients. There are no dark corners nor spare rooms, and "skulking" is all but impossible.

This plan, then, combines the greatest facilities for economy in administration, with efficiency of discipline, (which includes the utmost care for the sick and the utmost obedience from the convalescent,) and pure air for all.

The Woolwich Hospital plan is simply an arrangement of a number of these pavilions—each having two floors of wards, connected by a corridor one floor in height—under one general central administration for the whole hospital.

There is one kitchen in a half basement under the library and chapel. It is connected with all the pavilions by a basement corridor, along which all diets, &c., are transported on rails and raised by lifts to each pavilion. There are separate shoots for foul linen and dust, hot and cold water are laid over the whole building, and there is a central bathing establishment besides the ward baths.

There are separate wards for sick prisoners and for lunatics and others requiring segregation.

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There is a large library, also a dining and day room for convalescents.

The axes of the pavilions are arranged north and south, so as to have both walls exposed to the sun.

The nearest pavilions are sixty-four feet apart, or double their height. The others are much more. The eight wards in the end pavilions have a free look out to the open country.

The outer walls will be of white brick, to give the building a more cheerful appearance. The inner walls and ceilings are to be of polished Parian cement.

In this hospital there will be two fireplaces in the centre of each ward. They are to be of terra cotta, constructed so as to give the greatest warmth. The flues will be carried under the ward floors, and up the side walls of the pavilions. This leaves the view of the ward open from end to end, and enables the nurse to see every bed from her room window. [There are to be female head nurses in this hospital.]

The principles embodied in this plan are sub-division of sick under a number of separate roofs; separation between the hospital proper and the administration; no more than two floors of wards, opposite windows in each large ward with the beds ranged between them, one window for every two beds; sufficient isolation and free ventilation of the water-closets and baths; one scullery and one nurse's room for each ward, and placed at the entrance end, so that the attendants, while overlooking the patients, can be themselves overlooked; large separate day room for convalescents; building to be placed on high ground in the open country; abundant external ventilation.

The wards of each of these hospitals are 14 feet high. Each bed has from 93 to 97 superficial feet, and from 1,200 to 1,400 cubic feet. The width of the wards between the opposite windows is from 26 feet 6 inches to 26 feet 9 inches.

The cubic space of military hospitals is not so large as that required for civil hospitals, because the great bulk of the patients in military hospitals are what we should call convalescents.

This building is to be called the "HERBERT HOSPITAL," after the great and good statesman whom we have lost, who was himself its founder.

Let Dublin, who knew him so well, join with us, who loved him so well, to give him worthy tears—such a tribute as he would have liked—he, who suffering under a fatal disease—he, who with every possession which God could bestow to make him idly enjoy life—yet ran like a race-horse his noble course, till he fell—and up to the very day fortnight of his death struggled on doing good, not for the love of power or place, (he did not care for it,) but for the love of mankind and of God. His glorious death would be almost too sacred to mention here, but for the sake of calling upon those who loved him—and who did not?—to carry out his purposes. It is five years since he began to carry out his chief purpose to restore

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the health of the British army; and how well he worked at it all know. But the soldier was not his only care. His cares were national; and one of his cherished principles was the reconstruction of all hospitals according to the latest improvements of the pavilion structure. It is not often that we find a man, born to politics and high position, who would master, for the love of his kind alone, every dry detail of this almost technical subject. Yet he did. His loss is irreparable. Time will only show more and more what we have lost in him. But at least let his purposes and principles outlive him in us.

Suggestions for the Prevention of Small-pox in Ireland. By Denis Phelan.

We learn, from the Census Commissioners' Report of 1851, that 38,275 persons died of small-pox in Ireland in the ten years then ended. But as we know that every member of numerous families died, or emigrated, during the famine and epidemic period, leaving none to fill up the census returns, the above number must be considerably under the actual extent of deaths from that disease, which most probably amounted to at least forty-five thousand. There is yet no public return of the mortality during the ten years ended March last, but we know that the deaths from small-pox must have been considerably less than in the former census period, and did not perhaps exceed twenty thousand. From these data we may fairly assume that in the last twenty years, at least, sixty thousand persons have died of a disease the prevention of which is simple and inexpensive, whilst an Act has been in operation for gratuitously vaccinating all persons, rich and poor; and we know that these sixty thousand lives, or, at least, a very great proportion of them, could have been saved had Parliament and the public sufficiently availed themselves of the means that are adopted in Great Britain and in almost every other civilized country, *i. e.*, by making vaccination compulsory. The beneficial effects of Acts which make it penal to neglect vaccination are already known in England and in Scotland. Mr. Lowe, a member of the Government, lately stated in the House of Commons, that the average annual number of deaths from small-pox in England, from 1837 to 1840, was 12,000; that from the latter year to 1853, during which period vaccination by the Poor Law Boards was established, the annual deaths only amounted to 5,200; that in 1853 the compulsory law came into operation, and in the two next years the mortality from small-pox only averaged 2,666 annually. Mr. Lowe states that from a defect in the Act, with respect to the enforcement of penalties, vaccination became comparatively neglected, and that the mortality from small-pox again increased; and, on reference to the Registrar-General's Report for 1858, I find that the deaths from it in that year amounted to 6,460.

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But even though no lives were lost by small-pox, we know that many serious diseases are caused by, or supervene on, it, as partial or total blindness, strumous and other disorders, by which the person is disfigured, health for after life much injured, and life itself rendered comparatively miserable. It is, therefore, important that the recurrence of such a disease be prevented, if it were only to obviate these serious results; for it should be kept in mind that where there have been 20,000 deaths from small-pox, at least 100,000 persons must have undergone a disease, often hideous in its progress, and exciting others of a dangerous, often of a fatal, nature.

We find that during the last eight years vaccination has been compulsory in England, and, as observed by Mr. Lowe, with very beneficial results; and we learn that the Government have had the Act lately amended to increase its advantages. But during all this time no effectual step has been taken by any Government, or member of Parliament, to secure similar benefits to the people of Ireland. Some Bills, it is true, have been introduced, but without any result, for the registration of births, deaths, and marriages, under which vaccination should be made compulsory, yet the Poor Law Commissioners, in 1861, reported to Parliament on the insufficiency of the existing law and arrangements, stating in proof of that opinion that, of 145,000 of the children of the poor born in 1860, "above 100,000 have not received protection from small-pox"!

Government is enabled to expend on police and other arrangements whatever sums may be necessary for the protection of life and property, surely it is equally desirable to prevent loss of life and destruction of health from a loathsome disease, particularly as the means of doing so are well-known and the cost comparatively trifling. It is, therefore, to be hoped that another Session will not pass without satisfactory provisions to enforce vaccination by compulsory means.

Under the Registration of Births, Deaths, and Marriages Act of 1853 for Great Britain, officers are appointed, and arrangements are made, for ascertaining if every child aged three months has been successfully vaccinated; and the parents or guardians are liable to a penalty of twenty shillings unless they can produce a certificate to that effect, except it be medically certified that there are fair grounds, as ill health, for deferring the operation. But the penalty is enforced in a month or more, unless it be shown that successful vaccination has taken place. Under this Act, all are vaccinated free of expense, but it is compulsory that the child, or person vaccinated, be produced so often as the vaccinator may deem necessary, to enable him to ascertain if the case has been successful, and to take a supply of the vaccine lymph, should he require it.

All who apply to the dispensary medical officers in Ireland are also vaccinated gratis; but as there is no penalty if a person be not vaccinated, or if the vaccination be unsuccessful, and therefore no power to compel the production of the case that has been operated on, a large proportion of the children born every year remain unvac-

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cinated, and a very considerable number of those that have been operated on never return for inspection, so that the conscientious medical officer is unable to certify the result. From both causes many thousands of the community are at all times unprotected from small-pox.

It is stated by the Registrar-General for Scotland, in the Report for 1856, that "previous to the introduction of vaccination, epidemics of small-pox were usually closely followed by virulent epidemics of measles, and that the latter disease proved much more fatal to children in those circumstances than when it appeared after other diseases." "This fact," he observes, "may be urged as an additional reason for extending to all the benefits of vaccination, seeing that by putting an end to small-pox we may perhaps at the same time be rendering measles a much less fatal disease."

Should further experience prove the correctness of this observation, which is very likely, it would be an additional motive for our efforts to get rid of small-pox.

The arrangements for carrying out vaccination in Ireland are equally defective as the legal provisions are. In England, £2000 a year is voted by Parliament to meet the expenses that are necessary to enable the London National Vaccine Establishment to supply lymph gratis to all public institutions and to all private persons who apply for it; and, to insure a sufficient supply, London is divided into sixteen districts, to each of which a paid vaccinator is appointed at an annual salary. Each vaccinator forwards as much lymph as he can procure or spare to the head establishment, from which it is sent to all parts of Her Majesty's dominions, including the most remote colonies. I find that 5,412 charges of vaccine lymph were sent to Ireland in 1853-4.

Until recently, the arrangements for Ireland were a Parliamentary grant of £200, but now of £400, which enables the directors of the Dublin Cow Pock Institution to vaccinate at two stations, one at the north, the other at the south side of the city. But in place of supplying lymph gratis, as is done in London, the Dublin directors are under the necessity of charging, or, at least, do charge, 21*s.* for the year's supply to every workhouse, half that sum for each dispensary, and 2*s.* 6*d.* for each packet of lymph forwarded to any individual, even a medical practitioner. The writer of these lines has had many opportunities, official and otherwise, of knowing how much vaccination has been impeded by this charge for lymph, and he has often urged on the Governmental authorities the necessity of making such arrangements as would insure it gratis to all that require it in Ireland.

It has been judiciously urged that medical students should be afforded opportunities, at the public vaccination stations in populous towns, of "receiving special instruction in respect of vaccination, and the distinctive marks of its success." I could add numerous facts to prove the necessity of a similar arrangement in Ireland. And, as there are medical schools in Cork, Belfast, and Galway, and one soon likely

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to be in Limerick, a station in each of these important towns, with a paid vaccinator, capable of giving instruction, would vastly extend vaccination, by making official use of populations which exceed those of Dublin and its suburbs.

By this suggested change in the law, and by some such arrangements as these, judiciously and energetically carried out, small-pox may be only recollected as a non-existing disease, or its action may be so limited that, in place of a mortality of 2000 from it yearly, the deaths may not be 200.

On the Application of Sanitary Science to Public Works of Irrigation and Works for the Relief of Towns. By EDWIN CHADWICK, C.B.

I SUBMITTED to the Public Health Department, at the meeting of the Association held at Liverpool, a paper on the application of sanitary science to the protection of our army in India—a subject of imperial importance. One object of that paper was to show the necessity of the cultivation of the special engineering required for the practical application of that science, without which special engineering enormous expense, as well as failure in the production of the sanitary effect, is too commonly incurred.

I have received a communication on the subject of the irrigation works of India, which have recently occupied public attention, showing on a large scale the evil consequences of the prosecution of such works in ignorance or in disregard of sanitary science. This communication appears to me to be so highly important as to render it incumbent on me to solicit the particular attention of the Association to it.

Where a clear money profit from any works is in prospect, any evidence as to evil effects produced on others, we find, meets only with inattention or hostility on the part of those by whom the profit is derived. In my own experience and investigations I have, however, found no case of works, attended with evil to the public health, which are not of a low state of structural or engineering art, and at the same time excessively expensive, and in various ways wasteful of money. Thus, the poison pit—the cesspool—in its original cost of construction, in the cost of repair and maintenance, and in the cost of constant cleansing, apart from all foulness and offensiveness, and all noxious influences, I have proved to be more expensive than a properly constructed, self-cleansing watercloset, the expense of the water included.* Thus, too, the old brick house-drains, which accumulate noxious deposit, are more than double the expense

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* *Vide* "Minutes of Information on the Drainage of Dwellings and of Towns," published by the General Board of Health, 1852, pp. 12, 155, 166; also paper on "The Drainage of Towns," by Robert Rawlinson, Sanitary Engineer, published in the *Transactions* for 1857.

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to construct, and are still more expensive to cleanse, than properly-adjusted tubular drains, which are self-cleansing and do not decay. So of large, flat-bottomed brick sewers which accumulate refuse, and are, in fact, only extended cesspools. Three houses or three towns may now be drained well at the expense of old works to drain one ill.* Water, good at its source, when stored in close habitations, in houses and towns, absorbs the mephitic gases, and becomes unwholesome in proportion. When we have examined the expenses of waterbutts and cisterns for separate houses, of the space they occupy, and of the walls to bear them, and the cost of maintenance and repairs, the cost of this injurious arrangement exceeded that of a constant supply of water delivered direct and fresh into every room.†

The first application of the sewerage of towns to agricultural production was by the old agricultural method of irrigation, by submerging the grass or other produce grown on panes or tables of ground levelled to receive it. To this method strong sanitary objections were raised at Edinburgh and other places, where the irrigation was by sewage water, holding considerable portions of foul matter in suspension and in solution. On examination, I found that these sanitary objections were well-founded, not only as against irrigations with sewerage, but as against the common irrigations with plain water, containing only such earthy or animal matters as may be found in the rainfall upon grazing and tillage lands.

In the first place, it was proved that the excess of moisture on the wide irrigated surfaces produced damp, and was attended with the effects of damp and cold in reducing temperature. They produced rheumatism and ague in men; and as more or less of the decomposition of animal and vegetable matter takes place in the process of drying up stagnant pools which are found in all but the most expensive constructions, the rot or typhus is produced in sheep. There was once a demand in London for what were called "Brucksey hams,"—that is to say, for the hams of sheep which had been killed in a state of fever or the rot. A farmer found out that he could meet the demand at pleasure after May, by flooding and afterwards stocking his water meadows, when they were saturated with moisture. From the experience of the noxious effects of irrigations in the Lombardo-Venetian provinces, permanent irrigations are prohibited within five miles of towns.‡

Where the sun is more powerful decomposition will be more rife, and the noxious effects upon the living, from this method, will be greater. Such effects have been traced upon a great scale in India,

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* *Vide ibid.*

† *Vide* "Report of the General Board of Health on the Water Supply of the Metropolis."

‡ *Vide* "Minutes of Information on the Practical Application of Sewer Water and Town Manures to Agricultural Productions," printed by the General Board of Health for the information of local Boards of Health, 1852, pp. 8—11.

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by Dr. T. E. Dempster, Deputy Inspector-General of Hospitals in Bengal, and are described in the very important paper which I herewith submit.

The difficulties attendant upon the subject of the disposal of the refuse of towns—the noxious effects of the products of decomposition upon the populations exposed to them, the expense of the constant removal of fœcal matter in the solid form, the inconveniences of mounds of it, or laystalls, near towns, the objections to the pollution of rivers—forced me to the investigation of remedies, in which I was led to propose the method of distribution in suspension in water, by steam or other power, through underground pipes and by jets, and enabled to impeach the method of distribution by submersion, for waste.

The outlay of capital for engine power and pipe distribution is about £5 per acre,* and the working cost of distribution on a large scale about 1*s.* 8*d.* for 100 tons; on a small scale, about 3*s.* 4*d.* per ton. The outlay of capital for the formation of water meadows ranges from £1 to £40, and £100 even, per acre.

In Italy the expenses of the chief works averaged £40 per acre. In England the average was £30 per acre, and the working expenses were £3 7*s.* per acre: the expenses of the cheapest method of distribution, by open gutters on natural inclines, was 14*s.* per acre. whilst an equivalent distribution by jet was 7*s.* per acre.†

But by the method of distribution by water meadows at Edinburgh, upwards of sixty inches deep of sewerage was put upon the surface in the year; whilst upon what may be called the gardeners' method of applying water and manure at the same time by the water-pot,—except that the jet is impelled by steam power,—about thirteen inches, or nearly one-third of the manure, produces an equivalent productive result.

The first applications of the principle of jet distribution, whether for towns or for farms, have been made without or against due advice, and have been made rashly and wastefully. Thus, in the application of the sewerage of Rugby, a town of about 6000 inhabitants, for which about seventy acres would have sufficed to receive about thirteen inches of sewerage in the year, the apparatus was extended over 450 acres, or three times the area which would have sufficed, with the result of distributing little more than four inches per acre per annum, and that, too, with a great waste of manure, by distributing it over the uneven surfaces of old ridges and furrows, in which the gutters got the chief benefit, instead of upon ground properly levelled; and it was applied upon old grasses, a large proportion of which were the least nutritious, and more than half of them the least fitted to profit by liquid manure; added to which, the mains for the distribution of the manure are so small as to occasion an expensive waste of engine power. Nevertheless, the proprietor declares that the results are a greater profit than on the old method of cultivation, and that he is "satisfied" even as it is. And

* *Vide* "Minutes of Information" last cited. † *Vide* p. 49.

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so with liquid manure farms, where the farmers are satisfied with comparatively inferior effects. Those who are desirous of studying the later experience, as to the economics of the question, will find them exemplified in some evidence which I have cited from Mr. James Blackburn, a practical agriculturist and engineer, given in the *Gardeners' Chronicle* of the 18th and 25th of May, and the 1st and 16th of June last, including an exposition of trials by Dr. Kirkpatrick, of the Albert Agricultural Institution at Glasnevin.

Whilst a better economical result is obtained by the method of distribution by jet, the sanitary result is insured by operating upon a small portion of land at a time, by giving that land only as much as it can absorb at each dose, and by reducing any surface evaporation to the minimum. At higher rates of expense for apparatus, which may nevertheless in many cases of high culture be eligible, the surface evaporation may be altogether avoided.

Whatever may be the merits of the water leading in the main trunk lines of canals for irrigation, I aver that the method of subsidiary distribution, on which the evils described by Dr. Dempster are attendant, is ignorant, barbarous, and wasteful—wasteful of water and productive of inferior agricultural effect. It is true, that in India steam power will be more expensive and may for a long time be inaccessible, but they may have horse powers, which are in extensive use in America, and which in this country, for many cases of intermittent use, and for scales where less than a four-horse power is required, are cheaper than steam.* It is true, that in India they have not iron pipes, but they have the bamboo, which, hollowed out, serves for water leading, under low pressures, and might be made to suffice, in the method of water leading, by spouts and hollowed trunks of trees carried on tressels to moveable troughs, whence it is distributed by scoops with great rapidity, as in use in Sweden and Norway.

I have had evidence that the rice culture by stagnant irrigation, so injurious to the health of populations, is one which an improved culture having no such insanitary effects would supersede.

I might, if it were necessary to do so, here give extended illustrations to support my principle; that special sanitary engineering, which prevents such evils as Dr. Dempster describes, does so with an improved productive and economical result, and that where it is otherwise, it is the default of the engineer, in the want of proper knowledge of agricultural as well as sanitary science.

Finally, I would give warning, that for India and the tropics, comparatively inferior general sanitary improvement will be obtained by mere changes of stations from unprepared sites and ill-constructed barracks and habitations on the plains to improved barracks and huts on the cool, but sometimes sharply cold, unprepared, un-

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* *Vide* a description of these powers, with other cheap powers, in a paper which I read at the Royal Agricultural Society of England, on June 17th, 1857, and given in the *Gardeners' Chronicle*.

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drained upland sites, often on swampy hills; nor by the mere appointment of officers, with the name of health officers, without any special training and testing by competitive examinations in sanitary science. Where such qualifications are absent, such appointments often serve only to indorse expensive apologists for the maintenance of evils which are preventable, with which the persons appointed have no capacity to deal properly or efficiently. Nor will the appointment of properly qualified health officers avail much more than for the reiteration of remonstrances, unless those officers are provided with the means and invested with the power of getting their prescriptions made up, which prescriptions for prevention must be, I repeat, not for drugs from the apothecary or the medicine store, but for well-devised works from the engineer. For these works a special training is needed for our military engineers, whose present peculiar training is only for old works for war, and for those imperfectly; works for the maintenance of the health of an army being necessary means to the maintenance of its military strength. The one-sided character of the common training of our military engineers was displayed in the Crimea, in the proved need of a special sanitary commission to give instructions for the selection and for the practical drainage of proper sites for healthy encampment—for the choice, collection, and the proper distribution, of wholesome water—for the construction of wholesome huts, and the proper shelter and treatment of horses as well as of men; it also demonstrated to the public the need of an army works corps, under civil engineers, to construct military roads. Even now, young military engineers complain that the application of sanitary principles is expected of them, for the amendment of old constructions and the planning of new ones, for which they have had no preparation. The defects of practical engineering and construction is partially supplemented by clerks of works, at great expense, who really give an imperfect command to workmen which ought to be given perfectly by officers. In remote dependencies clerks of works are not to be had, though artisans are to be found in the ranks even of the line, if there were engineer officers competent to lay out works for them, and directly superintend their execution. On the Continent, engineer officers in the best armies are not such very fine gentlemen that they cannot dirty their hands with mortar; and although they are men of science and gentlemen in our sense, they are head work masters and practical leaders of artisans, ready to apply sanitary science, if sanitary science were there provided, which it has yet to be, and to be placed in its proper position. The needed preparation and practice of our engineer officers in the application of sanitary science to works during peace would save the country much expense and loss of force, would relieve the officers of the ennui of useless routine occupation, and would give them higher qualifications than they now have for meeting the changing exigencies of war. At home, instead of servilely yielding place to the expensive and blundering empiricism of civil practice, they would correct it. In our remote colonies,

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whilst they would prevent such defaults from the absence of sanitary science as Dr. Dempster's paper in part displays, they would become the pioneers of civilization by rendering countries habitable by a higher order of colonists and civilized races, and give us the advance due to our age upon the colonizing legionaries of Rome, in the times of Frontinus and Agricola.

Communicated by T. E. DEMPSTER, *Late Superintending Surgeon, Bengal Army.*

Two most important subjects connected with British India are at present engaging public attention, viz.—first, the sanitary management of our European troops in the East; and secondly, such an extension of the existing works of irrigation as guard the native inhabitants from the famines which periodically devastate certain provinces, and at the same time enable India to raise an ample and certain supply of raw material for our cotton manufacturers at home, instead of allowing them to remain, as they now are, almost wholly dependent on the precarious political and commercial condition of the States of South America.

Very probably, few will reflect that these two widely different objects may have a most important relation to each other; and it is almost certain that the classes whose minds are directed to the second may be wholly careless of the first, and that they will be disposed to resist any attempt to modify or otherwise interfere with their favourite schemes, on account of sanitary considerations in which they feel no direct interest or personal concern. Circumstances have given me special opportunities of making observations and recording facts in India, relating to both these very subjects. I have long desired to turn the experience so acquired to some useful practical account, and if the opinions I have formed shall be found to rest on carefully observed and scrupulously recorded facts, I think they cannot fail to be regarded as of some value at the present time.

In 1846 the Government of Bengal directed a Special Committee—of which I was the sole medical member—to investigate and report on the causes of the unhealthiness which had prevailed at Kurnaul and other portions of the country along the line of the Delhi Canal. In the course of our inquiry we examined the irrigated and unirrigated districts on both sides of the river Jumna; we visited the notorious "Nugufghur Jheels," and followed the course of the then projected Ganges Canal for eighty-three miles, viz., from Hurdwar to the latitude of Meerut. We travelled in all about 1,460 miles; inspected more than 300 inhabitated localities; and personally examined 12,000 individuals of all ages. I do not now possess any complete copy, either of the official report, or of the appendix subsequently written by myself alone. Both these documents were originally printed at the public expense, and were at one time sold at the Government Press at Agra. But in 1854, when the new Ganges Canal was publicly opened by the Lieutenant-Govenor of Agra with great pomp and ceremony, amidst a vast assemblage of British officials and natives of rank, all allusion to our Committee or its results was scrupulously avoided, and from that time forward not a single copy of the official report or appendix has been anywhere procurable. It is not, therefore, in my power to supply complete copies of these documents; but I submit the following brief account of the nature and objects of our inquiry, and some of the principal conclusions to which it led.

When we commenced our labours, public opinion was violently divided on the subject. One party—chiefly consisting of medical men—held that all the notorious unhealthiness of certain districts was solely to be ascribed to the influence of existing canals and canal irrigation; another party as confidently maintained, that no sanitary question at all was involved in the construction of works of this nature. Among the latter were persons of high position and great influence, who did not scruple to talk openly of the "sanitary humbug." Such was the state of

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the question when it was proposed to construct the Great Ganges Canal, "the most magnificent work ever undertaken in India—one of the most magnificent works in the world." * Lord Hardinge, then Governor-General of India, wisely hesitated to sanction the scheme until he had satisfactorily solved the sanitary question. He, therefore, appointed a Committee minutely to investigate and report upon the subject.

The task assigned us was one of no ordinary difficulty, nor was it a matter of ordinary importance to decide whether such a vast undertaking as the Great Ganges Canal was likely to bring with it a blessing or a curse to the people of India. But how was the inquiry to be conducted, seeing that the sickness had, for the time being, passed over; that medical or vital statistics in any authentic shape or form had no existence among the people to be subjected to examination; that certain obvious reasons rendered the oral testimony of the natives themselves absolutely worthless; and that any conclusions drawn mainly from the alleged aspect of the inhabitants could carry no weight. In this perplexity I thought of applying the test of organic disease of the spleen as a probable measure of the extent to which the people had previously suffered from endemic fevers. The manner in which this test was applied, and the singular and unexpected results it gave, are fully set forth in our Report. "Without it the inquiries of the Committee, based as they must have been on oral testimony, on which no credit could have been placed, would have ended in vague and unsatisfactory conjecture, and without a single fact collected among the agricultural population on which they could depend."† To preserve and improve the drainage of the country through which the canal was to pass would doubtless have been considered desirable objects if attainable at a moderate cost, but had it not been for the test I hit upon, and the incontrovertible nature of the evidence obtained, chiefly through its careful application, I am persuaded that the Government of India and the Court of Directors would never have consented to set aside all consideration of expense, and to make these main and indispensable conditions of the whole of this vast undertaking.

Our inquiry appears to me to have sufficiently established the following positions, viz.:—

1st. That canal irrigation carried on in the north-west provinces of the Bengal Presidency, under certain unfavourable conditions noted in the Report, is uniformly productive of endemic diseases, which from time to time assume the form of widespread and often fatal epidemics.

2ndly. That canal irrigation, carried on under certain favourable conditions, may consist with a very moderate amount of endemic disease, and a healthy and vigorous condition of the inhabitants generally, while it most certainly obviates that most formidable of all the accessory causes of sickness and mortality—the want of the comforts of life.

3rdly. That canal irrigation under all circumstances, even the most favourable, is liable to be attended with a certain amount of contingent evil, but that, due precautions being taken, the good will far outweigh the evil; the famines which have from time to time devastated the country be rendered impossible, as far as irrigation extends; and canals prove, on the whole, a blessing to the people. I would fain hope, therefore, that our labours went some way to solve that most important problem, viz., how to obtain the maximum of good with the minimum of evil, in constructing works of this nature in those provinces of British India.

In pursuing our investigations, we carefully avoided all speculative reasoning, allowing facts and figures alone to guide us to the conclusions at which we arrived. We were, however, alive to the fallacies which might mislead inquiry, in thus estimating the effects of canal irrigation; and it will be perceived that, in the statistical tables, we separated, when necessary, the inhabitants of large towns from agricultural labourers, and further noted the caste and calling of every male adult subjected to examination.

The great bulk of the people who came under our observation were living in

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* Kaye's "Administration of the East India Company."

† Baird Smith on Italian Irrigation.

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small agricultural communities, composed, as nearly as possible, of the same classes—engaged in the same general occupations, having the same unchanging social and domestic habits; subject to the same climatic influences; and inhabiting a tract of country having throughout the same geological and botanical character. As communities they differed in little but in position with respect to the canals, and in cultivating soils of various quality, some of which possessed, while others were cut off from, the benefits of canal irrigation. Moreover, the same series of observations were carefully repeated a great number of times in a great number of situations. Our attention was especially directed to the condition of the people as regards "the comforts of life;" and it is worthy of particular remark, as affecting the value of our deductions, that those comforts were generally most abundant in the irrigated districts. We met with many localities, both in irrigated and unirrigated parts, the insalubrity of which could fairly be ascribed to local causes, totally unconnected with the canal or its waters. The most remarkable cases of this nature were specially noticed, but minor instances, being pretty fairly distributed over both descriptions of land, were sunk in general averages in the printed Report.

I would here prominently record my assent to the position, that the same kind of irrigation or obstructed surface drainage, which produces so much mischief in one part of India, is not necessarily attended with like consequences in other provinces, differently circumstanced as to climate, soil, level, &c. Observers in different parts of India may, therefore, widely differ in their report as to the effects of canal irrigation, without impugning the facts, or invalidating the evidence, independently brought forward by each other. For instance, in Rajpootana, the scene of Major Dixon's philanthropic labours, inclined strata of hard rock underlie a scanty upper soil, and appear to secure a ready under drainage towards the numerous natural lakes in the vicinity. In Bengal Proper, and in some of the provinces adjoining, the country is low and the periodical rains abundant, regular, and long-continued. In such districts the very excess of moisture seems to ward off mischief. On the other hand, the country traversed by the Delhi, Jumna, and Ganges canals, though to the eye a vast level plain like Bengal, is really much higher and drier, and subject to seasons of excessive drought; while—unlike Rajpootana—the ground to a considerable depth from the surface consists of mould, clay, sand, and other alluvial deposits. So naturally dry is the soil of some of the irrigated districts that many wells are found from 100 to 300 feet deep. In the neighbourhood of Hansie and Hussar the accession of the canal permanently raised the water in the old village wells 60 feet, and yet left it at a considerable depth from the surface. It is in such districts that canal irrigation instantly changes a sterile plain into a luxuriant garden: but it is also precisely under such circumstances that neglect of certain precautions may bring about the greatest amount of mischief in a sanitary point of view. This is the consideration I would urgently impress on the minds of all concerned at the present time.

The over-zealous partisans of canal irrigation have ever been anxious to show that all the notorious insalubrity of certain places is sufficiently accounted for by collections of filth and general neglect of local and personal cleanliness; and they triumphantly point to stenches, enough, in common parlance, to breed a pestilence anywhere. But they forget, or wilfully shut their eyes to the fact, that the nuisances alluded to are found to an equal extent in almost every large native community; while fevers of a particular type rage year after year in certain situations only.

All I witnessed during the canal sanitary inquiry, and all my previous and subsequent Indian experience, go to prove that there is no necessary connexion between malaria of the most deadly character and offensive odours of any kind, and that in many cases its worst effects are experienced just as we recede from the unavoidable impurities of large crowded native cities.

I have often feared that my statements regarding the extraordinary extent to which splenic disease exists in so many towns and villages in the old canal districts would be received by the profession at home with surprise—perhaps with incredulity. I can only say that these statements have now been before the Indian public for many years past; that they have never been impugned, and that wherever medical men have taken the trouble to go over the same ground in the

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same manner, as in the "Zillas" of Delhi and Allyghur, my account has been fully verified.

Apart from the special objects of the Committee, perhaps its most important results were—1. The confirmation of a truth, often told, but too often forgotten by medical men, viz., that the external features of the ground, if seen at one period of the year only, and without the experience of several seasons, will often fail to enable us to distinguish a malarious from a comparatively safe and healthy locality. 2. The successful application of a simple test, by which this question—often involving interest of vast importance—may, in many instances, be speedily and correctly determined. In the central and upper provinces of the Bengal Presidency, (I speak with confidence only of those districts I have myself carefully gone over,) a distance of a few miles will often separate a healthy site from one of the worst character; and if the external visible features of the country be hastily observed, and alone implicitly relied on, they may lead to the most fatal errors. If, however, there are inhabitants who have been long subject to malarious influences, they will carry in their abdominal regions marks which no apathy or cunning can conceal. A careful exploration of the regions of the liver and spleen, especially of the latter organ, in a certain number of the people taken at random from each of the surrounding villages, and an accurate comparison of the results, will probably settle the question at once. At all events, such an examination cannot fail to give important information in many cases, where no other of a reliable character is to be obtained.

I enclose a printed copy of a letter addressed by me to the editor of the *Medico-Chirurgical Review* soon after my return from India in 1857. This letter will be found to contain a remarkable illustration of the terrible consequences of ignorance, or culpable neglect, of the leading principles laid down in our Report. It also affords a striking, and to me most gratifying, corroboration of the statements I had long ago made regarding the marvellous prevalence of splenic disease in similar cases, and shows the practical use to which this fact can be turned, in determining the true character and causes of epidemics in that part of India.

I am fully persuaded that both philanthropic societies and commercial associations in England will now urge on the Government of India the necessity of greatly extending works of irrigation over certain districts in the upper provinces, usually singularly fertile, but, from time to time, subject to excessive droughts and consequent famine. But unless such works are undertaken on correct sanitary principles, unless the preservation and improvement of the drainage of the country through which they are made to pass be accepted as main and indispensable conditions of the whole scheme, it is my duty to warn the public that very lamentable consequences will most certainly ensue. We may apply all the modern improvements of sanitary science to our military cantonments, barracks, houses, and native towns; we may feed, clothe, and exercise our European soldiers on the best and soundest principles; but if we place them near the swampy banks of Indian rivers, on clayey and moist soils, or in the neighbourhood of badly constructed irrigating canals, all such precautions will prove of little avail to diminish the rates of disease and death now prevailing in India.

A few days ago I stumbled on the subjoined passage in the *Saturday Review* of the 18th of April last—article, "Prisoner of Burmah." It furnishes an undesigned and unexpected confirmation of opinions which I have long upheld, from a source at once authentic and above suspicion:—

"It is a curious fact worthy of the consideration of sanitary reformers, that this den of evil smells was actually wholesomer than the fresh air outside. After a time, Mr. Gouger was removed to a single cell, which being built of wood, after the artistic fashion of the Burmese, was unimpeachable in the article of ventilation. In this cell he caught a dysentery, which brought him to the point of death. It was the rule of the prison that any one who died in these cells should be buried at the cost of the keepers of the prison. With an eye to economy, therefore, the keepers, as soon as they thought his case was hopeless, brought him back to the inner prison, whose aromas he has so feelingly described. No sooner did he arrive there than he began to recover. He found by experience that no amount of putrefying abominations was so deadly to breathe as the uncontaminated exhalations of the Irrawuddi."

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Having so often alluded to the Sanitary Committee on Canal Irrigation, it is proper here to explain that practically the whole inquiry was conducted by Major (now Colonel) W. E. Baker, of the Bengal Engineers, as president, and myself as member. The test we employed, the reasons for using it, and its practical application to the people, all necessarily belonged to my department. But the general plan of the investigation, the precautions taken to guard against fallacies, and the numerous and valuable tabular statements appended to the official report, were mainly due to my colleague. Both, I am sure, lay equal claim to a sincere and honest desire to arrive at the truth. It is further right to state that I alone am responsible for all opinions or shades of opinion not clearly expressed in the official report which may be found either in the present paper or in any other I may have written on the effects of canal irrigation.

On the Improvement of Nurses in Country Districts.
By Mrs. J. N. Higgins.

The subject of nursing has attracted much attention of late years, but it has been considered chiefly with reference to hospitals and large towns, and more recently to workhouses. I wish to speak of it more particularly as it affects the country districts with which I am best acquainted.

What happens amongst our rural population when a poor man, woman, or child falls ill? There is the not over frequent and often hurried visit of the doctor, or more likely of his young assistant; in some cases there is relief in nourishment granted by the parish; and often, too, there is the visit from the squire's, clergyman's, or farmer's family, followed by the wine or the blanket, the basin of broth or the gift in money. But something more is needed. Some one is needed who can be relied on to enforce the doctor's orders, to treat the case intelligently during his absence, and report accurately upon it at his next visit:—some one who knows how to make the best of the gifts from the richer neighbour or from the parish and of all the circumstances that surround the patient. And such persons are not generally to be found at the bedsides of the poor.

Miss Nightingale tells us what nursing is:—"It has been limited to signify little more than the administration of medicines and the application of poultices. It ought to signify the proper use of fresh air, light, warmth, cleanliness, quiet, and the proper selection and administration of diet—all at the least expense of vital power to the patient." Now there is a lamentable ignorance on these subjects among the poor in general, and the nurses know no more than others.

The poor when ill may be nursed by their own families, or they may call in a relation from another house or a neighbour who is not a relation, or they may have recourse to a parish nurse.

Perhaps it is best when they are nursed by their own families; there is, at least, a chance that affection may give quickness to the inexperienced eye and lightness to the unpractised hand. And yet strange tales could be told of domestic nursing. The authoress of "Ragged Homes" says, "The usual ways of helping the poor seemed to me to effect but little good. The nice soup sent for the sick man

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was spoiled by being smoked in the warming up, or by the taste infused into it from the dirty saucepan; the sago intended for the infant was burnt, or only half cooked; and medicine and food alike failed to be efficacious in the absence of cleanliness, and in the stifling air which the poor patient was doomed to breathe. The mothers of the little, thin, fretful babies would complain to me that they could not think why the child did so badly, for they managed to get a rasher of bacon for it whenever they could, and always fed it two or three times in the night." Something like this must be in the experience of everyone who visits much amongst the poor—ignorance of cookery, of the value of fresh air and of rest for the sick; though I fear the visitor too often only goes away in despair, thinking that there is no remedy and that probably the poor are used to it. It follows, however, that even if the poor are to be nursed by their own families, some one is at present needed to teach those families the commonest sense on the subject.

But there are cases in which it cannot be done,—at least, not by the immediate household of the sufferer. The young mother may be on a bed of sickness with none but helpless children round her, or her husband may be the victim and her strength be overtasked and her attention distracted between attendance on him and the care of their children; or in cases of epidemic, and they are not unfrequent, whole families may be stricken down at once. In such emergencies friends and neighbours often come to the rescue, for great is the charity of poor to poor. But what has been said before applies equally to these; and besides, such external help cannot be depended on, since those who have other ties have also other duties,—moreover, it is least likely to be forthcoming when most needed, as in the afore-mentioned instance of an epidemic.

What, then, remains for the destitute but to have recourse to a parish nurse? and a parish nurse, I fear, is too often a person who is set to nurse because she is fit for nothing else. She may be lazy, dirty, drunken, profligate, or herself infirm, but she has come upon the parish, so she is sent out to nurse her helpless brethren and sisters. Of course there are bright exceptions, but I speak of cases only too common. I remember an old couple, the man blind and the woman paralytic, who required constant attendance, which their own relations were not able to give;—they were nursed for some time by a woman, herself afflicted with cancer, who went home to die, and who, according to their account, was also a thief. Afterwards a woman came during the day from the next parish who had one arm withered, and had in her younger days borne a very indifferent character. In a much larger parish, where two medical men resided, a poor man suffering from lumbar abscess complained of his nurse's dirty habits, and that the noise she made in walking across the room went through and through his head; also, that she flavoured his beef-tea with a mixture of salt and sugar, and made it so thick that the spoon stood upright in it. There was one very good nurse in that parish, but she was generally drunk; she died of

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cholera in 1854, and lately I heard that the old set were worn out, and on an emergency no nurse could be found in the place.

"Far more important," writes Dr. Acland, in his "Memoir of the Cholera in Oxford,"—"far more important than a revolution in hospital nurses appears to me the obtaining nurses trained and qualified to attend the poor at their own homes. There is no object more requiring the energy of the benevolent, none more certain to repay their exertions, none more easy of execution. A very moderate subscription, the co-operation of guardians, the consent of the governors of hospitals, with the aid of the parochial clergy, might at once obtain for every town a corps of nurses such as we had at Oxford at the time of the cholera." Easy as it is said to be, years pass by and little, comparatively speaking, is done in this matter. As yet the institutions in large towns generally supply their wants but imperfectly; there is little hope, therefore, that assistance from them will often penetrate into remote villages. Well would it be if here and there smaller institutions sprang up among us as the need for them showed itself. If only a portion of the money which many benevolent persons now bestow on the poor in a form which gives merely temporary relief, and sometimes encourages habits of dependence on external support, were diverted to this object, many a country district might be permanently improved. Much of the illness amongst our labouring population is known to arise from preventable causes, and many of these the poor themselves might obviate if only they knew what to do and how to set about it; there lies the difficulty. I believe that a body of efficient nurses would be one of the best means of putting them in the way of learning these things. And in matters which do not depend on themselves, such as the miserably defective drainage of many villages and the construction of cottages in defiance of all sanitary laws, the nurse or the institution to which she belonged might be the means of calling attention to the subject.

It is of little use to lay down on paper rules for the formation of new training institutions when some already exist, offering a variety of models; and the question, which of them is to be preferred, will, after all, be decided according to circumstances by those who are concerned in the establishment of the individual new institution. I therefore only venture to put forth the following suggestions, and only as suggestions.

Find a lady, or at least an educated person, to take the head of the establishment; and whoever else is concerned in the management, let her have full command over the nurses and the household arrangements. On this lady much will depend; and I believe that the finding in all cases such a person as one would wish her to be will be the chief difficulty in the matter. Under her I would place one or, still better, two nurses already trained at an existing institution, who should act as instructresses to the rest. And of these I would receive for some time but a small number. I would not limit the class from which they should be taken, but practically I believe

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it would at present consist chiefly of the labouring poor and those immediately above them, both because they are most numerous and also because amongst them there exists no prejudice against girls leaving their homes. If quite destitute they must, of course, be supplied with clothing or money to buy it, besides their board and lodging; but any payment made in return for services, whether it be found best to leave them to private generosity or to require them in some cases, should be made not to the individual nurse but to the institution. Each nurse should, of course, go through a time of probation, and means, such as the payment of a moderate deposit or some hard work at first, should be devised to check such as might enter merely from curiosity, love of excitement, some temporary disgust, or from not knowing what else to do. Occasionally a boarder might be admitted to learn the work on her own account.

As to how it is to be learned, if it is possible to gain admittance to a hospital or infirmary, of course the institution will take advantage of it; but if not, much may be acquired by working under a medical man who is willing to take on himself this trouble, especially with the aid of the trained nurse, whom I suppose to form part of the establishment. In some cases, too, it may be possible to have a small infirmary attached to the establishment. The sanitary department of nursing and something besides may be taught in weekly lectures by the medical man, and by the lady superintendent if competent to give such, exemplified and illustrated as they will be by incidents falling within the daily observation of the students.

Having thus faintly sketched the form of the institution, let us imagine a nurse belonging to such a body in a cottage. The effects of the visit will not be limited by the duration of the illness that brought her there. While her patient is her own chief care, her necessary instructions to others will cause them to look more thoughtfully on sickness than ever before, and may with a little management become lessons on ventilation, cookery, clothing, and kindred subjects, for everyday life. On the subject of children especially the nurse's advice ought to be valuable. We call those who look after children nurses, because they too have the care of another's health, and how many mistakes the poor make in the rearing of children we daily see. Rich people make some too, but they, at least, have the means of learning better; the poor have not at present. Books are seldom written in sufficiently simple language for the labouring class to understand; and it is only here and there that a lady has time and opportunity, experience and talent, sufficient to impart systematic instruction on such subjects. A professed nurse will be able to speak with more authority than a lady-visitor, for the poor will know that she has had a special training in the laws of health, and they will not feel so strongly that difference of circumstances which too often gives unreality to the advice of their superiors. Moreover, a nurse will be an invaluable help to the poor women simply as a woman; they will speak to her as they would not to the medical officer, even if he had the time to listen to them.

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And, in conclusion—what is an important consideration in these days—such establishments may become the means of employing many women. While no wrong can be done by gradually replacing the failing generation of parish nurses by a larger number of young women thus kept off the parish, to those who have a vocation for it work will be given which, if rightly pursued, will elevate them in the scale of being, and, while rendering them of active service to the most helpless of their fellow-creatures, call forth the best feelings and faculties of their woman's nature.

Poor Law Medical Relief. *By* Richard Griffin, J.P., M.R.C.S., &c.

The medical relief of the poor has not only engaged the attention of the philanthropist, but it has at various times been brought before the Legislature, and laws have been laid down for the partial guidance of the local authorities; but in consequence of the unwillingness of the higher powers to enforce the views entertained and promulgated by them, the medical relief of the poor is still carried out by boards of guardians in a variety of ways. Before the passing of the Poor Law Amendment Act there was no statute authorizing authorities to provide medical relief to the poor, and no allusion is made to it in the statute of Elizabeth; nevertheless, medical relief has been provided for the poor, but from the uncontrolled discretion of the parish officers of 15,000 districts, arrangements infinitely various, both as to the modes of selecting attendants and amount of remuneration, have been adopted. On the passing of the Poor Law Amendment Act the relief of the poor, which includes medical relief, was placed in the hands of boards of guardians, who appointed relieving officers to administer relief during the intervals of the sittings of the board, the guardians in their individual capacity having no power to administer relief. The result of this arrangement is, that the power to grant medical relief is almost entirely in the hands of the relieving officers, who give or withhold orders as judgment prompts or caprice dictates. In some unions little or no medical relief is given to any but those already in the receipt of parochial relief. In others, again, the single man is refused an order, and in some it is only given to the married man who has more than a certain number of children; but in the majority of the unions it is freely given to all the labouring classes, particularly in those unions where the medical officer is paid by a fixed salary, as then no extra expense is entailed upon the parish. Numerous complaints have been made to the Poor Law Commissioners and Poor Law Board on this subject, and they have been requested to define the class of persons who shall be entitled to medical relief, but they have not done so. The result of this is, that the amount per head of medical relief on the number of paupers relieved has gradually increased from 4*s.* 5½*d.*, in 1851, to

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5*s.* 7½*d.*, in 1860, and this, too, in the face of a gradual diminution of pauperism, clearly proving that medical relief is not now confined to the pauper only, but is imperceptibly extending itself to all the labouring classes. It is therefore desirable that a limit should be put to it, otherwise it will be in vain to expect the increase of clubs and forethought among the lower orders.

The law strictly interpreted is as follows:—"In no case can the poor-rates be lawfully applied by guardians to prevent a person becoming destitute. It is only when he is destitute of the means of obtaining from his own resources that which he applies to the guardians to be supplied with at the cost of the ratepayers that he can be relieved, and the principle is the same whether application be for medical or any other kind of relief; the lame, impotent, old, blind, and such other among them being poor and not able to work, and none other, are entitled to medical relief at the cost of the poor-rates."

This interpretation of the law has, however, never been strictly carried out in regard to medical relief; and fortunately for the labouring classes it is so; but when it is considered that the contract with the medical officer is intended to apply to the *bonâ fide* pauper, and not to one made so in consequence of having medical relief only, it is unfair towards the medical officer to permit the present course to continue; but in order that the labouring classes may not suffer, a law should be laid down that all whose wages do not exceed 10*s.* per week, or any other reasonable sum, should be entitled to gratuitous medical relief, and all others whose wages are above that sum, but under 20*s.* per week, should have the order granted as a loan only, subject to its remission by the board of guardians. Thus all discretionary power will be removed from the relieving officer or other persons granting the order. The advantage of this plan is, that the guardians would investigate all orders for medical relief, which is now rarely done; and in order to facilitate the recovery of the loan, it should be made the duty of the presiding chairman of the board to attach his initials against the names of those entered in the medical relief book where the loans are to be enforced, and then make it the business of the clerk of the board of guardians to give the particulars of the loan to the overseers of the poor of the parish in which the recipient of the loan resides, who should collect it with the poor-rates; and, in default of payment, the party should be summoned before the magistrates, whose jurisdiction should be the same as in the case of non-payment of poor-rates.

The Poor Law Board have laid it down as a rule, that the guardians shall, once at least in every year, cause a list to be prepared of the aged and infirm, and persons permanently sick, or disabled, as may be actually receiving relief, and furnish to each district medical officer a copy of the list; and every person whose name is inserted in such list shall receive a ticket, on the exhibition of which to the medical officer he shall be entitled to obtain such advice, attendance, and medicine, as his case may require, in the same manner as if he

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had received an order from the guardians. But in many unions these Articles 75 and 76 of the Consolidated Order of the Poor Law Commissioners are not carried out, which is a great evil to the aged and infirm poor, as they have to apply to the relieving officers for orders each time they are sick, and where they live many miles from the abodes of the relieving officers the evil is still greater; and this also applies to all the poor who are now compelled to go to them for an order for medical relief. This might and ought to be obviated, by allowing the overseers or guardians of each parish to grant orders for medical assistance, and not compel the poor to go, in some instances, from nine to twenty miles for that which, after all, might be given by those residing on the spot, and who are often more intimately acquainted with the means of the labouring classes than the relieving officer can possibly be. The importance of allowing overseers or guardians to grant orders will be apparent when it is recollected that, according to the return made to Parliament in 1857, on the subject of Medical Relief, there had been in that year no less than 1,094,946 persons under the care of the district medical officers, and doubtless there are a vast number of other poor persons who would willingly come under the care of the district medical officers if they could do so by paying a small fixed sum for their assistance.

In the Metropolis alone there had been 232,878 patients attended at the dispensaries, and 434,573 at the hospitals, in one year; and if to these be added those attended by the Poor Law medical officers, 289,767, we have an aggregate of 957,218 persons out of a population of 2,803,034, or one out of every three of the entire population of the Metropolis, who receive gratuitous medical assistance. Doubtless the same need exists throughout the country, and therefore provision should be made in order that the poor may speedily receive that assistance which they require, and which they are utterly unable to pay for out of their own resources. When it is borne in mind that 72 per cent. of all paupers are made paupers through sickness it becomes the duty of the State to provide the labouring classes with the means to prevent them becoming destitute, and not wait, as is the law at present, until they are really destitute before their wants are cared for.

The Poor Law Board have wisely laid it down as a rule that their officers shall possess both medical and surgical qualifications, but unfortunately they allow this rule to be broken by the guardians; and in addition to this, there are many incorporations which claim the right to elect medical officers uncontrolled by the rules of the Poor Law Board. The result of this is, that no less than 632 medical officers out of 3,307 composing the medical staff, or nearly a sixth of the whole number, had but one qualification for office in 1857.* The only remedy for this abuse of power is to bring all parishes and incorporations under the control of the Poor Law Board, and to compel the latter to lay before Parliament their reasons for sanctioning the

* Lord Elcho's Return to Parliament, April 27, 1858.

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appointment of officers contrary to their own regulations; and then we shall soon cease to hear of young men being taken away from their studies when only half-educated, in order to fill up vacancies which no really qualified men could be found to accept on the terms offered. This is proved by examining the returns of the elections for the last few years, wherein it will be seen that the granting of their single qualifications bear even date with that of their appointments as Poor Law medical officers. The evil of this course is double, as men are appointed to attend the poor who have given only a partial proof of their qualifications for the office; and in addition to this, a low standard of medical education is encouraged, to the great detriment of the public and the injury of the medical profession itself, which is thereby lowered in the estimation of the public.

The Poor Law Board have laid down rules as to the size and population of a medical district, and have declared that none shall be assigned to a medical officer which exceeds in extent 15,000 statute acres, or which contains a population exceeding 15,000 persons; but unfortunately they have attached to this rule a proviso, which allows the guardians, under certain circumstances, to do otherwise, if they first obtain the approval of the Commissioners, which appears very easy to accomplish, as, on examining Lord Elcho's return to Parliament, it will be seen there are 583 districts, each of which contain more than 15,000 statute acres, and some even extend to from 80,000 to 100,000 each; and not content with these enormous areas, the guardians have actually given 629 appointments to 291 medical officers, thereby showing a reckless disregard of the interests of the poor. Eighty-six of these districts contain 2,289,000 acres, which, at the extreme limit laid down by the Poor Law Board, would give employment to 60 more medical men than are at present engaged in the service; nay, there are 23 unions, in each of which there is only one medical officer employed to attend the poor, and one of these unions has 122,000 acres in it. In Wales, mileage is substituted for acreage, and seven miles is the limit fixed for the extremity of a district from the residence of a medical officer; but, notwithstanding this, there are upwards of 70 districts which extend far beyond that limit, and even up to 18 miles, a distance which renders medical treatment too frequently of little avail. The Poor Law Commissioners have ordered that the guardians shall not assign to a medical officer a district which contains more than 15,000 persons, nevertheless, there are 120 districts which exceed in population the number stated, and some even extend to 40,000. In addition to these evils, there is another of no trifling consideration, which is the number of patients each medical officer has to attend. On referring to the return previously quoted, we find there are 266 medical officers, who annually attend from 1000 to 6000 patients each, a number of poor far too great for those medical officers who have, in addition, a private practice, especially as it is known that the average duration of illness is not less than eighteen days in the Metropolis, and higher in other divisions—the difference arising from many of the Metro-

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politan poor, when dangerously ill, being removed from the care of the Poor Law medical officer to that of the hospital surgeon. If, however, all the sick poor be included—viz., those on the permanent list—then the average duration of sickness is not less than between five and six weeks. Mr. Tidd Pratt informs us that the average duration of sickness amongst members of friendly societies is nearly two weeks each member; and as only one-half of the members are annually ill, it follows that the duration of sickness is actually four weeks. Mr. Neison's table gives an average, for all ages, $\frac{187}{1000}$ weeks of sickness per annum.

It is a well-known fact, that a vast number of medical men are highly educated, that most of them possess double qualifications, and some even treble, and it is also universally admitted that the profession is overstocked. Why, then, is it that young men who have had only time to pass one examination are elected in preference to their seniors in experience and attainments, and that these enormous districts are suffered to exist? Simply because the guardians will not remunerate doubly qualified medical men sufficiently for their services, and that in order to induce those already in office to continue they indirectly add to their salaries by giving them the vacant districts as they occur. By this course enormous districts are formed.

Prior to passing the Poor Law Amendment Act, but little medical relief was given by overseers, and the practice of paying a permanent parish doctor had scarcely any existence, hence the comparative lowness in the rates of payment. Again, in other parishes it was no unusual circumstance for a medical man to take a parish at a nominal sum, on the understanding that he was to be allowed to charge what he pleased on suspended orders.* In Northumberland, &c., medical relief constituted so insignificant a feature in parochial disbursements, that the Commissioners had no means to calculate the future remuneration of medical officers, and the wide diversities of payment rendered it nearly impossible for them to introduce any uniform scale of salary or payment per case. The Commission then adopted the system of tender, and medical men, dreading the introduction of a stranger into their districts, and the injury to their private practice, did doubtless undertake the duties at sums far beneath what would pay for drugs alone, which accounts for the present low and unequal amount of the salaries.

Much misunderstanding has existed in regard to the payments of the medical officers; and it is no unusual thing for members of Parliament, and even the Poor Law Board, to refer to the annual reports of the latter, in proof of the increased and increasing payments made to the medical officers. In 1841 the payments for medical relief were £154,054, and in 1860, £236,339, which seems to bear out their assertion; but on investigating these returns it appears there is something more included in them than the bare payments to the medical officers,—instance, St. Pancras parish, which, for 1860,

* Report of Poor Law Board for 1835, pp. 51, 52.

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returned £2,979 as the cost of medical relief; * whereas the actual sum paid to the medical officers for attending the sick poor was only £922 14*s.*; the balance being made up in payments for vaccination, trusses, mustard, wine and spirits, subscriptions to hospitals, &c. In addition to this, there is another element to be taken into consideration, namely, the increase of the population and a number of new unions added of late years. In 1841 the unions then formed contained a population of only 13,762,353, but since that time sixty-five unions, parishes, or incorporations, have been added to the list, and the population is now 20,061,725 (census 1861.) In 1841 the payments by salary averaged 2½*d.* per head on the population, but in 1861 it was only 2*d.* The salaries of the medical officers vary in different unions in a most unaccountable manner; in some they average only ¼*d.* per head on the population, whereas in others it is 9*d.* In 1841 it ranged as high as 1*s.* 2½*d.* in 135 unions. The salaries of the medical officers have been reduced since 1841 by £8,858. The Poor Law Commissioners admit this, for they say, "We have considered it our duty to resist the disposition of the guardians to reduce the salaries of the medical officers to an amount which would be an inadequate remuneration for their services and medicines; but it has been impossible for us in many cases, on account of the feelings which prevailed amongst the guardians and ratepayers, to withold our consent to some reduction of the existing payment.† Even since 1857, thirty-two unions have reduced the salaries of their medical officers by £1,514.

The Select Committee of the House of Commons, in their Report dated 5th July, 1854, recommended that the Poor Law Board should direct their attention to the salaries of the medical officers, which in some cases appear to be inadequate to the duties they are required to perform; but notwithstanding this recommendation, if the salaries paid by each union to their medical officers be divided by the number of patients attended by them, it will be seen that a similar disparity exists as in regard to the population, 141 medical men receiving sums varying from 3*d.* to 1*s.* per patient, 455 between 1*s.* and 2*s.*, 578 between 2*s.* and 3*s.*, 545 between 3*s.* and 4*s.*, 434 between 4*s.* and 5*s.*, &c., &c. Even if the extra medical fees allowed in many unions be added to the salaries, still there are 91 medical officers whose receipts average less than 1*s.* per patient, and some are as low as 3*d.*; 310 have only between 1*s.* and 2*s.* per patient: and if larger numbers be taken it will be found that 884 medical men receive less than 3*s.* per patient, 1,348 between 3*s.* and 6*s.*, 706 between 6*s.* and 10*s.*, and 402 between 10*s.* and 68*s.* These figures prove the entire absence of system in regard to the payments; and if the general union arrangement in regard to medical relief be inquired into, it will be found that, in consequence of the absence of any directions from the Poor Law Commissioners or Poor Law Board, a variety of modes have been adopted by different boards of guardians,

* 13th Annual Report, p. 63 † 10th Report, p. 19.

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some paying a fixed salary with an allowance of the extra medical fees, whilst others give a fixed salary without any fees, and others a fixed salary with a few of the fees only; others, again, give a fixed salary for attending some of the poor with a per case payment for the remainder, the payments in the latter instance varying from 5*s.* to 10*s.* per case independent of distance; some pay by the case, and others give a fixed salary and provide drugs for the whole or part of the union, the cost of the latter varying from a few pence in some unions to several shillings in others; but averaging (if the value or rent of the dispensaries and cost of the dispenser be added) from between 1*s.* to 2*s.* per patient. A few guardians provide cod-liver oil for their poor, whilst others refuse to do so, and two unions only find leeches.

These incongruities in the systems pursued are acknowledged by the Poor Law Commissioners in their report to Parliament, wherein they say, "We have deemed it right to authorize or permit the adoption of different systems in different parts of the country, in the expectation that at no distant period we should be enabled to ascertain the most advantageous form to be finally established." The inducements for Poor Law medical officers to continue in office are of so slight a nature, that no less than 899 resignations took place in the course of the last three years, which is greatly to be regretted, as the experience gained in the treatment of the poor is thereby lost to them.

That many of the vacancies have been occasioned by death is greatly to be deplored, sixty-four of those in office in 1860, or shortly before, having died during that year, proving that the life of a Poor Law medical officer is one of great danger, and, therefore, entitles him to a salary commensurate with the extra risks of his office; and, in case of a failure of health, he should have a superannuation allowance. There are numerous other points connected with this subject which ought to be discussed—such as the payment of the medical officer by the case; the establishment of dispensaries in each union, the Poor Law Board finding the drugs and paying for them out of the Parliamentary grant; the appointment of a medical secretary to the Poor Law Board and medical inspectors; the publication of an annual register of the diseases affecting the poor, and their mortality in different unions; also, that of making all union medical officers sanitary officers: but as evidence on those subjects has been laid before the Select Committee on Poor Relief, it is hoped the omission will not be important.

The Conclusions and Recommendations of the Report on Quarantine, by the sub-Committee; with Prefatory Remarks. By Gavin Milroy, M.D., *Honorary Secretary.**

At the last meeting of the Association I had the honour to present a statement of the proceedings of the sub-Committee on Quarantine

* See *Trans.* 1859, p. 605; and 1860, p. 697.

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since its formation at the Liverpool meeting, in 1858; of the steps which had been taken by them to procure the necessary evidence on the subject, and of the success which had attended their labours to this end.

Three Parliamentary Papers have resulted from the information so obtained, viz.:—1st. Papers relating to quarantine in the Mediterranean; with correspondence between the Foreign Office and Her Majesty's Ambassador at Constantinople.* 2nd. Abstracts of regulations in force in foreign countries respecting quarantine, communicated to the Board of Trade. 3rd. Abstracts of returns of information on the laws of quarantine, which have been obtained by the Board of Trade. Copies of these papers are now submitted to the Department.

The great value of the information in these documents has been acknowledged by the leading medical journals of this country. They have also excited much interest in the United States, where, for several years past, the subject of quarantine has been actively discussed by many of the most influential physicians and merchants in the principal seaport towns.

As the circulation of authentic data is by far the best means of leading to sounder and more uniform views on quarantine in all countries, the sub-Committee recommended to the Foreign and Colonial Secretaries of State that copies of the two "Abstracts" should be sent to all Her Majesty's consuls and governors of colonies. The recommendation was favourably responded to by Lord John Russell.

The full report recently presented to the President and Council of the Association, and which, after being presented to the Board of Trade, has been ordered by the House of Commons to be printed, is, in a large measure, occupied with extracts from evidence in the above-named papers, illustrative of the series of queries which it will be remembered were extensively circulated among British civil officials abroad, and also amongst the medical officers of the army and navy. It closes with the general conclusions deducible from this evidence, followed by some recommendations on various details of quarantine practice, to which the sub-Committee are desirous that the attention of Government and the public generally be drawn.

As perfect accord of opinion was not to be looked for, if, indeed, it was desirable, among a numerous committee, on all points relating to so wide and complex a subject as that of quarantine, it was deemed the best plan that a draft of the report should be prepared by the honorary secretary, and that this draft should then be leisurely circulated among the members for their deliberate examination and comments. This will explain the form in which the conclusions and recommendations appear. More than four months were occupied in this careful consideration of the whole document.

* The publication of this paper by the Foreign Office was mainly owing to the exertions of the Levant Quarantine Association, in correspondence with the sub-Committee, and forming a branch of the parent Association.

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GENERAL CONCLUSIONS.

From the preceding evidence, the following general conclusions appear to be fairly deducible, viz., that—

1. *Great diversity and discrepancy* exist *in the system of quarantine* pursued in different countries; sometimes even in countries which are adjoining to each other, and under precisely similar conditions.

Within the last eight or ten years, a great relaxation of the system has been made in some European countries, and likewise in certain colonies, while in other countries and colonies the system appears to be more rigorous than it was before. Much of the practice still in force is certainly uncalled for as regards the public health, and seems to be retained on fiscal rather than on sanitary grounds.

Quarantine restrictions appear to have been sometimes resorted to from merely political motives, and to have been used as a pretext for the annoyance and detriment of other countries.

All unnecessary interruptions to international intercourse cause not only great personal inconvenience, but serious commercial loss.

[It appears to be admitted that the preventitive measures adopted by the Governments of different states to exclude a contraband trade have been more elaborate, and organized with greater care, with a view to efficiency, than any system of quarantine hitherto in use, and yet with only partial success; and this universally.—*J. Davy.*]

[Instead of No. 1, I submit the following:—

It is much to be regretted that any relaxation of quarantine should have been made, but more especially in regard of yellow fever and cholera morbus, because, in consequence of the want of proper precautions, these diseases within the last 30 years have been introduced into countries where they were unknown before.

The commercial loss occasioned by the detention of a few vessels off a healthy port is unimportant, compared with the loss occasioned by the imposition of quarantine on vessels arriving from infected ports in other ports where quarantine is exacted.—*A. Bryson.*]

2. The general *want of accurately detailed records* of the practice and results of quarantine from year to year, in different ports, prevents that full examination of the subject in its various bearings, which it is obviously the interest of all countries to possess.

The *want also of faithful official reports of the rise and progress of destructive epidemics* in different countries, and more especially in British and other colonies, is for many reasons much to be regretted.

3. The different forms of *bills of health* which are obligatory on vessels before leaving a port, and which profess to certify the state of public health in the *port of departure* and the surrounding country, are, as now given, obviously fallacious and often erroneous; and they can afford little or no reliable guarantee for the defence of the public health in the *port of arrival.*

They are in reality rather passports to facilitate the admission of vessels on arrival, than trustworthy vouchers of an ascertained medical truth.

4. Even in those countries where quarantine is most rigorously observed, it is made to yield not only to the exigencies of war, but often also to the commands of superior governmental authorities in favour of particular arrivals, while other arrivals in a more healthy condition are subjected to detention.

5. The *state* of many existing *lazarets* is extremely faulty, and must inflict not only discomfort, but injury, on persons in health confined therein, while often no suitable accommodation is provided for the sick. To make use of a vessel placed in quarantine as a lazaret for the detention of her own crew and passengers, whether well or sick, is at variance with the teaching of modern medical science.

The arrangements in most ports for providing *medical assistance to the sick on board* such vessels appear to be generally unsatisfactory.

[And the same remark, in the majority of instances, applies to the providing medical aid to those who are undergoing quarantine in lazarets.—*J. Davy.*]

[Vessels or hulks are uncomfortable places to live in; but as they are

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readily moved into isolated positions, they are, and necessarily must be, used occasionally for the detention of persons infected with communicable diseases, where there are no better means of accommodating them. They are well adapted for maintaining a strict segregation of the sick from the healthy.—*A. Bryson.*]

6. The experience of recent years appears to show that the *spreading of a pestilential disease from persons or cargoes* undergoing quarantine in lazarets is scarcely known. Persons, however, going on board a foul and infected vessel on arrival, such as pilots, health guards, custom house officers, and others, have repeatedly been attacked with some dangerous disease soon afterwards.

On several occasions, the disease for which quarantine was imposed has broken out on board, after the vessel has undergone the prescribed detention and been admitted to pratique.

[It appears to me that, from the experience of past years, we may assume that pestilential or spreading diseases seldom or never break out in ships in consequence of the foul condition of their holds or cargoes; consequently, the necessity of placing a vessel in quarantine merely because she is unclean may be questioned; but if a communicable disease has made its appearance amongst her crew, it will then be proper, whether she be in a clean or a foul state, to quarantine both the crew and the vessel until the infecting poison has been removed or become effete.

It is clearly evident that a disease may break out in a vessel after she has been relieved of quarantine, provided the term of detention does not exceed the incubative period of the disease for which she was quarantined.—*A Bryson.*]

7. The classification of *cargoes* into susceptible or non-susceptible, retained in many of the Mediterranean and other southern European ports, rests on a mere hypothesis unwarranted by experience; and the measures often adopted for the alleged purification and disinfection of ordinary cargoes in a sound and undecayed condition are quite illusory.

[And the same remark applies to the quarantine classification of substances generally.—*J. Davy.*]

To fumigate, cut, or immerse letters, book-parcels, &c., is simply absurd.

[The whole doctrine of fomites requires careful re-consideration, especially now that so much importance is attached to fomites by sanitary reformers in the United States.—*J. Davy.*]

[I agree in thinking that infectious diseases are seldom communicated by the *cargoes* of vessels, but *parcels* should never be allowed to be landed from any vessel in quarantine until they have been opened and exposed to the external air and heat for several days.—*A. Bryson.*]

8. It does not appear that those countries, in which quarantine restrictions are most rigorous and most strictly enforced, have hitherto been more exempt from the visitations of the diseases against which quarantine is chiefly imposed, than other countries where the regulations are more simple and less burdensome.

[And some countries, certain islands in the Archipelago under Ottoman rule, most exposed, have entirely escaped these visitations.—*J. Davy.*]

It is highly important that sound views respecting quarantine be held and acted on, as all unnecessary or erroneous measures of sanitary police not only cause annoyance or positive mischief, but serve to withdraw public attention from the surest measures for protection and prevention. Thus, in respect of small-pox, the attempt to exclude it by quarantine (*a*) appears generally to have had the effect of causing the neglect of the only sure preservative, viz., the vaccination of the community. Such has been the case in many of the West India and other colonies of this country.

[(*a*) And yet the strictest quarantine has not excluded the small-pox and other exanthemata, as witness Malta.—*J. Davy.*]

It should also be borne in mind that oppressive quarantine is very apt to defeat

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its own purpose by its very stringency, and by making it the interest of shipmasters and others to conceal the truth, with the view of evading the annoyance and expense of a lengthened detention.

[I submit that we have no means of forming a just opinion with respect to the advantages of a strict or loosely enforced quarantine; but as there is no evidence on record that cholera morbus or yellow fever have ever, either in this country or on the continent of America, developed themselves and spread epidemically, and as we have abundant proof that both these diseases have invariably broken out after communication with infected places or persons, or after the one or the other of these diseases has been brought into the neighbourhood, we are bound strongly to recommend that all vessels arriving in a healthy port with either malady on board should be kept strictly in quarantine, and that as the crime is great the penalty against infraction be severe, equal at least to that for manslaughter. This might deter shipmasters and others from attempting, by false means, to evade quarantine.—*A. Bryson.*]

9. The *sanitary and hygienic state of the merchant shipping* is often very faulty; and there is good reason to believe that there is at all times a large amount of sickness, damaged health, and premature disablement among the merchant seamen, which might be easily prevented by simple precautionary measures.

The *sanitary condition*, too, of most *seaport towns*, and more especially of those parts near which the shipping is lying, is generally reported to be extremely unwholesome, and calculated, if not to engender, inevitably to aggravate many of he diseases against which quarantine is directed.

[This applies, I think, more particularly to the smaller seaports.—*T. B. Horsfall.*]

RECOMMENDATIONS.

WITH the view of rendering the practice of quarantine, in different countries, a means of better defence against the introduction of dangerous diseases from abroad, and at the same time of improving the condition of merchant ships and the health of their crews, without any unnecessary interruption of international intercourse, we, fully recognising the great importance of an efficient sanitary supervision in all great seaports, would submit the following *recommendations*:—Our object is to amend and utilize, not to discontinue or to abolish, the existing machinery of action.

[I concur with the conclusions, &c., of the Report, except that I am unable to assume that "the introduction of dangerous diseases can be prevented by any quarantine regulations."—*W. Farr.*]

1. As a general rule, vessels from abroad which have remained free from sickness during their voyage, and on board of which no malignant zymotic disease (chronic maladies not included) exists on arrival, and which are found on examination to be clean, and to have no putrescent or offensive cargo on board, may be at once admitted to pratique without respect to the country from whence they come.

[1st. I would recommend that all vessels coming from a port which has been free from infectious diseases for twenty-one days be at once admitted to pratique, provided no infectious disease has made its appearance in the vessel during the voyage. And, 2nd. That vessels coming from a port infected with cholera morbus or yellow fever be admitted to pratique twenty-one days after their departure, provided they have held no communication with any other vessel or port on the passage; and that the crew has been entirely free from infectious diseases during the voyage. Vessels infected with yellow fever may be admitted to pratique on their arrival in all ports and places where the heat does not exceed 60°.—*A. Bryson.*]

2. When quarantine detention is deemed necessary, whether from the actual or recent existence of a malignant disease on board, or from the foul and unwholesome state of the vessel, a careful examination should be made of her, and

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of all persons on board, by the quarantine medical officer, who should have the power and be charged with the responsibility of adopting such measures as each case demands.

The healthy on board need not generally be detained, and the sooner the sick are removed out of the infected vessel to a suitable locality (*a*) the better. In cases where small-pox is, or has been, on board (*b*,) all unprotected persons, whether among the crew or passengers, should be vaccinated (*c*) before they are permitted to disperse.

[(*a*) Where separation from the healthy on shore could be efficiently maintained.—*B. G. Babington.*]

[(*b*) All persons without exception should be examined by the general medical officer, and those, whether among the crew or passengers, who had, in his judgment, either not been vaccinated at all, or not been efficiently vaccinated so as to afford them protection, should be vaccinated before obtaining permission to disperse.—*B. G. Babington.*]

[(*c*) Wherever this is practicable.—*W. Farr.*]

[I am of the same opinion. There is often a want of lymph, and the hot season is unfavourable.—*J. Davy.*]

[Ought there not to be some one on the quarantine staff who especially is connected with the Marine, and understands the construction of ships, their holds, bilges, &c., to act in conjunction with the general medical officer, who, though a competent judge of the state of the human frame, may not be equally so of the state of a ship, and might therefore be easily deceived by an artful master of a ship interested in making out a good case in order to avoid detention?—*B. G. Babington.*]

[Ought not every quarantine station, and, indeed, ought not every great commercial port to have an hospital for the reception of sick sailors, and be under medical inspection?—*J. Davy.*]

[Would it not be more consonant with the teaching of sound sanitary science, and the laws of causation and propagation of infectious diseases, to transfer the sick to a well-aired and properly fitted-up hulk, moored off our several ports or harbours in England, than to remove persons labouring under infectious disorders to an hospital on shore, and thus endanger the public health, a signal and fatal instance of which has been so recently recorded, after the arrival of an Egyptian vessel in the port of Liverpool?—*J. Wiblin.*]

[When quarantine is deemed necessary, whether from actual or the recent existence of an infectious disease on board, a careful examination of the ship and of all persons on board should be made by the Government medical officer, who should have the power of placing her in quarantine in accordance with the regulations adopted by his Government. The healthy part of the crew and passengers should then be landed or transferred to another ship or hulk, and kept in strict quarantine until a period equal to the incubative period of the disease for which the ship is quarantined has expired, or if cases subsequently occur amongst them, until at least 14 days after the termination of the last case. The sick should also be kept in strict quarantine, either in the vessel or on shore, until the disease has become entirely extinct. The vessel herself should be quarantined, and all the stores, clothing, and bedding which had been exposed to the emanations from the sick should be thoroughly purified and ventilated.—*A. Bryson.*]

3. Vessels arriving from abroad should be required to pump out their bilge-water, and to have their bilges thoroughly washed out before they are admitted into any crowded harbour or into docks, &c.

The hatches also should have been occasionally kept open, and the hold aired as far as possible before arrival and admission.

[Weather and the nature of the cargo permitting.—*B. G. Babington.*]

[Is the pumping out of the bilge-water of so much importance? Are there not many instances of ships remaining unhealthy after all common precautions have been taken to cleanse them? The *Eclair*, for instance.

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Dampness, or mouldy state of the timber, seems an element of insalubrity.—*J. Davy.*]

[Instead of No. 3, I would submit that the crews of vessels with putrescent or offensive cargoes on board be admitted to pratique on their arrival, and unless some infectious disease has made its appearance on board, that the vessel be dealt with as a nuisance.—*A. Bryson.*]

4. Before *bills of health* are given to a vessel on leaving a port, an examination should be made by a competent person to ascertain her sanitary state, and the health of her crew and all on board (*a*); and the particulars should be mentioned in the bill.

[(*a*) And also the quality and quantity of water and provisions, and the clothes of the seamen, medicines and medical comforts.—*J. Davy.*]

[No person should be deemed competent to grant a bill of health unless duly qualified to practise medicine. He should make himself well acquainted with the health, condition of the population in the town and neighbourhood in which he resides, and should ascertain by personal inspection, whether the crew and passengers are healthy, and whether any of them have recently come from a distance, or received clothes or luggage from a distance.—*A. Bryson.*]

5. Medical quarantine officers should be required to keep accurate records of all matters relating to quarantine, and to the condition and circumstances of the shipping (particularly of emigrant and immigrant vessels) arriving in and leaving their ports; and to prepare an *annual report* from the data so procured, for the information of the local authorities; and in this report mention should be made of any epidemic visitation which may have occurred in the place during the year.

[A similar report might be required from medical officers in charge of troops on long voyages, given with some minuteness of detail in case of unusual sickness, to be addressed to the Director-General, and by him to the General Board of Health.—*J. Davy.*]

[Medical officers of merchant ships should be obliged to keep a record of the sickness on board their ships, and they should be called upon to state their opinions as to the origin and spread of such sickness.—*J. Wiblin.*]

This plan might at once be adopted in all our own colonies with advantage, and foreign Governments might be invited to follow the example.

From the very complete statistics which appear to be kept at the great quarantine ports of Lisbon, Vigo, and Alexandria, and which were readily communicated to the British consuls for the use of the Committee, it may be inferred that the Governments of Portugal, Spain, and Egypt, would at once agree to give effect to such a proposal.

Such *annual reports* would be extremely useful not only to each country and to each colony, but to all other countries, and also to the mother country of the colonies.

It behoves Great Britain,—which is so deeply interested in all that concerns the freedom of commercial and general intercourse, as well as in maintaining in the utmost possible health a robust and efficient mercantile marine in all parts of the world, no less than in affording useful guidance to her numerous colonies in matters relating to public health,—to take the initiative in a work of this nature. Her example would be speedily followed by other countries.

6. It would materially conduce to a thorough knowledge of the subject, and probably to the speedy adoption of a more rational and uniform practice generally, if the Government of this country instituted an investigation into the results of quarantine, and the working of quarantine establishments, in the chief ports of the south of Europe and of the Mediterranean where the system is still in greatest force, in order to ascertain the actual truth by personal observation on the spot.

[And also in the principal ports of the United States, and of the Danish, French, and Spanish colonies in the West Indies, in all of which the existing quarantine system is so irregularly conducted.—*J. Davy.*]

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[Instead of 6, I propose,—

It would materially advance a thorough knowledge of the subject, and conduce to the adoption of a more rational and uniform practice, if the Government of this country would institute an investigation into the nature of infectious and epidemic diseases.

1st. With the view of determining, on evidence, what diseases are and what are not infectious or communicable.

2nd. On the best mode of arresting the spread of infectious diseases.

3rd. On the retention of the infecting poison by clothing, bedding, or other articles exposed to morbid emanations from the sick.

4th. On the length of time the poison may remain latent in the human system.

5th. On the probable distance it may be borne by the ordinary atmospheric currents.—*A. Bryson.*]

B. G. Babington.	*Thomas B. Horsfall.*
Thomas Bazley.	*John Liddell.*
Walter Buchanan.	*J. R. Martin.*
A. Bryson.	*Gavin Milroy.*
James Clark.	*Richard Owen.*
John Davy.	*Southwood Smith.*
W. Farr.	*T. Spencer Wells.*
J. B. Gibson.	*John Wiblin.*

G. W. Hastings, Hon. Gen. Sec.

Having been recently employed by the Government, in a confidential inquiry into some questions connected with quarantine, I feel precluded from expressing any opinion upon the report of the Committee, as I could not enter upon a discussion of the various points it embraces with sufficient freedom to render my remarks of any value.

July, 1861. *J. O. M'William.*

PUBLIC HEALTH.

President.

THE RIGHT HON. LORD TALBOT DE MALAHIDE.

Vice-Presidents.

GENERAL SIR THOMAS LARCOM, K.C.B. | SIR CHARLES HASTINGS.

Secretary.

EDWIN LANKESTER, M.D., F.R.S.

Local Secretaries.

ROBERT LYONS, M.B.
ROBERT M'DONNEL, M.D.

This Department considers the various questions relating to the Public Health and the Prevention of Disease; it will collect statistical evidence of the relative healthiness of different localities, of different industrial occupations, and generally of the influence of exterior circumstances in the production of health or disease; it will discuss improvements in house-construction (more especially as to the dwellings of the labouring classes,) in drainage, warming, ventilation; public baths and washhouses; adulteration of food and its effects; the functions of Government in relation to public health, the legislative and administrative machinery expedient for its preservation; sanitary police, quarantine, &c.; poverty in relation to disease, and the effect of unhealthiness on the prosperity of places and nations.

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SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"On some of the more Prominent Causes of an Excessive Mortality in Early Life." By William Moore, M.D.

"The Influence of Food on Intellect." By Henry Kennedy, M.B.

"Improvement of Dwellings." By S. H. Gael.

"Drainage of the City of Dublin." By S. D. Dougal, C.E.

"On Dipsomania relative to Medico-Legal Arrangements." By T. L. Mackesy.

"Practical Sanitary Work in Town and Country." By Margaret Fison.

"The Turkish Bath as a Curative Agent in Scrofula and Insanity." By Barbara Corlett.

INFANTILE MORTALITY.*

Dr. Moore read a paper "On the more Prominent Causes of an Excessive Mortality in Early Life." After prefacing his observations with some remarks on the politico-economical view of an excessive early death rate and its reaction on national interests, more particularly agricultural and commercial, he went on to show that the early physical well-being of any country is the most delicate test of its progress. He then showed, from the last annual return of the Registrar-General of England, that the general mortality for 1860 had been a fraction less than that of the preceding ten years; the mortality from all causes being 422,500, a little over 21 in the 1000; the preceding years being 22. Still, this rate of mortality over England and Wales generally was greatly in excess of the rate experienced in the least unhealthy districts. Again, the densest districts had been proved to be the unhealthiest, the towns exceeding the country districts in the proportion of 23 to 18 in the 1000. Dr. Moore next alluded to the prevailing infantile mortality under ten years of age, which varies from 25 per cent. to 30 per cent. of all born among the better classes, to 30 per cent. to 40 per cent. among the lower classes. Some observers have found a wider ratio between the infantile mortality among the rich and poor, particularly in Preston, where the mortality under five years of age among the children of the former varied from 18 per cent. to 55 per cent. among those of the latter. He summed up the most prevalent causes of this excessive mortality as follows:—1st. Defective vitality at birth, transmitted from either or both parents. 2nd. The mismanagement of parents and nurses with regard to food, dress, cleanliness, and warmth. 3rd. The deficiency of light and air, to which might be added an ignorance of physiological principles, and of the pathology and therapeutics of many of the diseases incidental to early life. In connexion with the prevailing ignorance with respect

* See *Trans.* 1860, pp. 632 and 648.

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to physiological laws, Dr. Moore alluded to the neglect or disregard of the protective influence of vaccination, it being calculated that not more than ½ per cent. of those who have been successfully vaccinated take the disease, and that the deaths among persons of all ages protected by vaccination are only about 1 in 5,400 annually; whereas, among the unprotected, the mortality over England and Wales has averaged 1½ per cent.; and in the eight principal towns in Scotland, in 1856, averaged ⅞ per cent. He referred to the Report of the Commissioners of Poor Law in Ireland to show that the number of children, among the annual births in Ireland, who ought to be presented for gratuitous vaccination, is about 145,000, but that of the persons vaccinated less than a fourth are under one year old, the remainder being frequently between one and ten years of age, not uncommonly between ten and twenty, and some even older than this. Hence, of the 106,000 persons vaccinated last year, not 30,000 belonged to the 145,000 births among the poor for the year; and above 100,000 of the children had not received protection from vaccination on 30th of September last.

DISCUSSION.

Mr. David Smith said it might be presumptuous to throw out any suggestions, he being a stranger; but having had considerable experience as the director of a large Glasgow hospital, he would suggest upon Dr. Moore's valuable and able essay, whether he gave due weight to the excessive birth rate in large towns, and especially among the lower classes? In Glasgow, attention had been especially drawn to the subject, and it was found that the birth rate in that part of the British empire was larger than in other places. The birth rate in that city was 1 in 24 in some years, whereas in Edinburgh it was 1 in 34. In Paris it was 1 in 33. The increase in Glasgow was occasioned by a number of particular causes, such as the influence of the extraordinary number of young, active, marriageable people from adjacent towns and agricultural districts.

Dr. Lankester said that although there was a high birth rate in Glasgow, that was no reason why they should have a large death rate. This was a subject which required particular attention. He would suggest that as they had all experience of families not wealthy in the country, who brought up children without any death at all, there could be no absolute necessity for death. As far as we could see, there was no cause why children should die. The Creator never seemed to have intended that they should die. All those deaths mentioned by Dr. Moore were cases of preventable mortality. The mortality amongst children in Dublin was large, but owing to the want of any registration of births and deaths, there was no means of falling back upon any figures and statistics in support of any statements, or against any statements that might be made. Government did not seem to think it necessary to have any registration of births and deaths in this happy portion of the British empire. Dr. Moore's essay had drawn attention to the great subject of infantile mortality, which was the index of what were the causes of death in all classes of society. Remove the cause of the mortality amongst infants, and immediately adult life was liberated from thousands of diseases which oppressed it.

Dr. Fitzpatrick said it appeared to him that Dr. Moore had made no mention of what was a prevalent cause of mortality amongst children—fever. What place did he give to that disease among the causes of infantile mortality?

Dr. Moore replied, that as Ireland had no registration of deaths and births, consequently the birth rate was not ascertainable. He was astonished to find, on looking over books, that mortality in epidemic visitations was from 70 to 80 per cent. in early life. Once he went on the system of voluntary registration during the prevalence of measles in 1859. He took two streets, and from the result of

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his inquiries he arrived at the conclusion that in mild epidemics, the proportion of death was 6 in 13. As to the death rate of fever, true typhoid, or typhus fever, it was not much; but one-half died from gastric fever, induced by miasma, which came under the head of vitiated atmosphere. He had assigned the most prominent place amongst the causes of infantile mortality to scrofula; but he believed that by treating the acquired form of scrofula, congenital scrofula was made less among succeeding generations.

Dr. Mackesy said that one of the great causes of mortality in country parts was small-pox. He was quite satisfied that registration could prove the immense number of deaths caused by this disease. He regretted to say that the different Poor Law Acts upon the subject were not as successful as could be wished. There were large numbers of children unprotected by vaccination, so that when small-pox broke out a large amount of mortality uniformly occurred. He hoped that some enactment might be passed, either making it imperative upon parents to have their children vaccinated, or else offering some inducement to Poor Law medical officers to extend vaccination more generally than was at present done. Prior to any Act being introduced for the extension of vaccination in Ireland, it was carried on largely by private practitioners from charitable and philanthropic motives. He had vaccinated about 18,000, and of that number about 5000 returned, but among those latter about 10 per cent. were spurious.

INFLUENCE OF FOOD.

Dr. Henry Kennedy read a paper on the "Influence of Food on the Intellect." He said the idea was not new, but he was not aware of the subject being discussed by any one. He disavowed all idea of materialism. There was a reciprocal action on the part of mind and body on each other. In health this was not so observable, but if a slight indisposition, to say nothing of more serious disease or pain, occurred, then every one was conscious that the natural powers became impaired. Education proved what an immense power we possessed over the mind, and the object of the writer was to show that, by a proper modification of food, we could not indeed create, but could improve that noblest part of our being. He referred to the result of feeding on the lower animals, and of culture on vegetable life. The horse and cow were given as examples as the result of feeding. Changes of food altered the dispositions and tempers of some animals—one could be made more spirited and another more ferocious by the kind and quantity of food supplied—even the very want of food produced in some animals similar results. The marked contrast which existed between animal and vegetable feeders was most probably due to the difference in their food. Chemistry had made such advances that the component parts of our frames were all well known—muscle, fat, bone, blood and nervous matter—and the ultimate elements of all these had been accurately determined. On the other hand, the chemistry of food was equally certain, and those foods which were rich in fibrine or albumen, fatty or nervous matter, were thoroughly known. Hence, with such knowledge, particular systems of our frames could be fed or not at pleasure; muscle or fat could be increased, the bones fed, the blood nourished, and the nervous system more strongly developed. He allowed that the difficulty of the subject began here, and was due to the endless variety in the human constitution; still the difficulty could be overcome, and the instincts and feelings of the individual could

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always be consulted with advantage. Condiments, such as onions, mustard, horse-radish, and so forth, formed a very important improvement in the food of the poorer classes, who subsisted chiefly on potatoes, as their composition was such that they afforded very important elements to the frame, especially to the nervous system. It was essential for attaining the highest power of mind that food should be used in moderate quantity, and it was also necessary for each individual to obtain the food best suited to him.

DISCUSSION.

Mr. James Haughton contended that the strongest races were those who subsisted chiefly upon vegetables, and instanced the Athlete of the Himalayas as being the strongest race in India, and they eat nothing but fruits and vegetables.

Surgeon-Major Burke said he had been many years in India, and he had an opportunity of observing the different races. His experience was, that the Mussulmans, who were a flesh-eating race, were much superior, more courageous, and a stronger race than the Hindoos, who abstained from all flesh, and eat nothing but fruits, rice, and curries.

Dr. Lankester advocated the use of flesh, and denied that vegetarians were stronger than those who eat flesh. If we were to govern India he would advise that we give not up our system of beef eating. As for the use of strong drinks, he said it had not been shown that alcohol in moderate quantities was deleterious to the human system.

SANITARY CONDITION OF THE LABOURING CLASSES IN IRELAND.

On the reading of the paper by Dr. Fitzpatrick, printed at p. 504, the following discussion ensued:—

The Rev. Mr. Brougham said he had been in the north and south of Ireland, and had seen the disgraceful state of the cottages—in many instances the animals in the same sleeping apartment with the inhabitants. He referred particularly to the county of Donegal, where, he said, Lord George Hill had done all in his power to advance the prosperity of his tenantry; but such was the prejudice against him they seemed determined to go contrary to his wishes.

Lord Talbot de Malahide said there was no question there were a great many dwellings of the poor in a very bad state; but, at the same time, he must demur to the generality of the statements he had heard. He did not dispute that the cottages were all capable of improvement; but he must say that they were not quite so bad as they were described. He had some knowledge of the peasantry in his own neighbourhood, and he must say they were not open to the many charges which had been brought against them. There were a great many landlords anxious to improve the dwellings of the cottiers and tenants on their estates, and he must do them the justice to say that he had seen numerous instances in which the most degraded families had shown that they only wanted an opportunity to improve. He had no doubt that there was a great deal of jealousy amongst the tenantry, but that could be controlled by judgment and proper management. On certain estates allowances were made to tenants to improve their dwellings, and that, of course, gave them an interest in making them comfortable—in making improvements as to dryness, better ventilation, and so forth; and in his own experience he never found them at all backward in claiming those advantages.

Dr. Fitzpatrick said he did not mean to say that the class of cottages he described corresponded with a very large class.

Lord Talbot de Malahide—There are certainly on the outskirts of bogs cottages of the most disgraceful character.

Dr. Lankester asked what was to be done to remedy the evil?

The Rev. Mr. Brougham said the great thing to be done was, in the first instance, to gain the confidence of the people. There was the most marked contrast between the state of the tenantry of the resident and non-resident landlords.

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DWELLINGS OF THE POOR IN DUBLIN.

On the reading of the paper by Mr. Nugent Robinson, printed at p. 517, the following discussion took place:—

Mr. HARKIN said that many practical and valuable suggestions had been given in the paper read. It was an extraordinary fact that the evidence of Dr. Monsell, given before the Health of Towns Commission, twenty years ago, tallied exactly with that of Mr. Robinson, in reference to the state of the dwellings of the poor in Dublin. It was lamentable to think that so little had been done to alleviate the condition of the poorer classes since then.

Dr. WALLER said he quite agreed with Mr. Robinson in everything he had stated in his paper. This was no longer a question of disinterested philanthropy, but a question of self-interest to the community at large. The Legislature should take the matter into their own hands, and possess themselves of those grounds which were occupied by tenements unfit for the dwellings of the poorer classes.

Professor HENNESSY said Dublin was unlike any other city in the three kingdoms, for the most fashionable parts were in the most unhealthy situations. Those places which were the haunts of vice and misery were in the most healthy and delightful situations. He recommended the destruction of these dilapidated dwellings, and the erection of wide and spacious boulevards, which would permit a free and thorough circulation of the air from the country.

Dr. CORBETT thought the paper was one which required no discussion, as it embraced all the facts which could be given in connexion with the subject, and was in itself sufficiently elaborate. He could bear his testimony to the truth of everything which had been stated by Mr. Robinson in his paper. He had not exaggerated anything. The only mistake he had made was, that he had not depicted in sufficiently glowing colours the misery that existed in this country. In his opinion, what they required was legislative enactment, in order to cope with this great evil.

Dr. GRAY said that with reference to the condition of the dwellings of the poor, they had not only the statement of Mr. Robinson, who had given a good deal of time and attention to the subject, but they had, in the Report of the Census Commissioners, the statement of Dr. Wyld, who, he believed, was the highest authority on the subject. Dr. Wyld divided the dwellings of Ireland into four classes. The fourth class of accommodation he defined as one room, in which a man with his family dwelt, cooked, slept, and performed all the offices that were to be carried on in a domestic dwelling. He analysed the houses in Dublin, and found that more than half of the population were housed on the fourth or worst class of accommodation. In that book of Dr. Willis's to which reference had been made by Mr. Robinson, there was a statement with regard to the poor to which he would call attention, as to the miserable condition of their houses. Dr. Willis made an inquiry as to the mortality among the poorer classes, which, he thought, was to a large extent to be attributed to the absence of sanitary regulations. Dr. Willis made this inquiry in the hope that it might be useful for general purposes. He had no means of making a general analysis which would apply to the whole of the city, but he had within his reach very valuable statistics, having been attendant on some benefit societies. Those who took an interest in the condition of the poor were aware that the members of benefit societies belonged to a superior class of the poor—they were the artisans, the industrious poor, and therefore they would not give an accurate illustration of the condition of a lower class of poor. They gave, then, the condition of the working classes who were raised two or three grades above the very poor of Dublin. Dr. Willis had an official entry of the name and residence of every member of his societies, the condition of each party, where he came from, where he was born, when he was married, and he made a personal examination of the parties: he saw the father, the mother, and the children, and he arrived at the fact that they suffered so much from the absence of drainage and sufficient supply of water, that while the average life of the wealthiest class was forty-seven or forty-eight years, that of the artisan class was twenty-one and a fraction. With respect to the duties of the Corporation, he must say they had done

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all they could possibly do. From statistics it could be shown that the Corporation had shut up 3000 sunken cellars. A recent effort was made to compel the landlords to do something to better the condition of the poorer classes, but they met with a most vigorous opposition, and unless the Legislature interfered, not locally, but in a general way, to compel them to improve their dwellings, nothing would be done. A law was needed to the effect that the landlord could not compel his tenants to pay the rent until he had made the necessary improvements.

Mr. Parke Neville, City Engineer, stated that the Corporation had closed all the cellars which they had control over. As the law stood they were only empowered to close up cellars, two-thirds of which were below the level of the ground, and any such no longer existed as dwelling-places within the city. With regard to the suggestion of opening new streets, he might state that the Corporation had long since planned two new leading streets—one from the Queen's Inns to the Four Courts, and the other from Stephen's Green to St. Patrick's Cathedral,—in fact, a continuation of York Street—which would, no doubt, be a great improvement to the city in a sanitary point of view as well as otherwise, but there were, unfortunately, no funds legally available for the purpose up to the present.

DRAINAGE OF DUBLIN.

Mr. Dougal read a few practical remarks on the "Drainage of Dublin." He said, "In the first place, it is absolutely necessary that the sewage of the city should not be permitted to enter the river, but be carried off by means of channels on either side, which would intercept all the sewers at present emptying themselves into it. By this means the sewage would be withdrawn from the river altogether to the most convenient localities for its conversion into manure, which can be accomplished by disinfecting it with chlorine, filtrations through gravel and peat charcoal, which would leave the water quite pure, and produce a very valuable manure, which would be beneficial to the agriculturists instead of pernicious to ourselves. Even looking at it in an economical point of view, we observe a great inconsistency. While, on the one hand, we send thousands of miles, at a great cost, to procure guano, yet we convert that which we already possess into an element of death, for it is acknowledged both by theorists and practical men, that organic matter in a state of decay is extremely prejudicial to the health of animals exposed to its influence; therefore the most careful means should be adopted for the removal of all refuse of the city beyond the sphere in which its noxious influence can be exerted, and any system of drainage or sewage which fails or falls short of the promotion of this desired object would be imperfect and inefficient. The evidence that has been adduced to show how much the health, and even the life, of the community depend on a thorough and efficient drainage has been so great, and as a measure enforcing the drainage is contemplated, it is of the utmost importance that the plan to be adopted should be such as will realize the end in view, and that it will not add to the evils it is intended to remove. The great principle in constructing drains is to make such provisions that they are really conduits, not reservoirs—pipes through which the refuse matter is carried away and not receptacles in which it is deposited and retained. Experience has taught us that the complete and rapid transmission of noxious matter may be considerably facilitated by giving to the drains a particular shape—viz., a semi-

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circular form, instead of making them with flat bottoms, for the following reasons:—the solidity of execution in construction; economy of materials and labour, combined with strength to bear the lateral and vertical pressure of the ground; and great efficiency in affording the best channels for quickly conveying away the sewage. It is quite obvious, that whatever pains are taken in constructing the channels so as to give them the form, diameter, fall, &c., which scientific observations may show to be the most effectual, will be useless if they are not amply supplied with water. No drain will keep itself clean, or in a perfect condition, without having at the same time control over a large supply of water; it not only fails in accomplishing its use, but it becomes positively injurious, and generates and diffuses the very poison the formation of which it was intended to prevent. When the animal and vegetable substance contained in a drain is not regularly and completely carried off, it becomes stagnant, a deposit is regularly formed, and the matter constituting this moist and semi-fluid deposit is placed under circumstances highly favourable to its decomposition. When a main stream receives a branch, the united body of water causes the height of the main stream to increase, consequently the surface rises somewhat higher than the surface of the divided streams; hence the water flows back, producing deposits of heavy substances about the junctions, which deposits draw back and impede the flow of the two streams; therefore, in order to remedy this evil, the bottom of the sewer, immediately below the junctions, might be made about six inches deeper than the bottom above the junctions. By this mode of forming the bottom, the surface of the main and branch streams will have a uniform inclination, and the acceleration of this fall will prevent regurgitation and deposit, and the united streams will flow onwards with increased speed."

Mr. Dougal then described the process of saving the sewage matter which could be brought to the factories by a series of pipes, diverging from the main channels, and, after passing through the process of partial deodorization, flow into reservoirs: the solid matter being deposited, means being adopted to intercept it, the water would filter itself through a bed of stones into canals made for the purpose, and discharge itself in a pure state into the sea.

MISCELLANEOUS.

Miss Corlett contributed a paper* entitled "The Turkish Bath as a Curative Agent in Scrofula and Insanity," in which she traced these diseases to derangement of the functions of the skin, and pointed to the bath as a remedy which would be most likely to restore the skin to its normal healthy condition. Some interesting experiments by M. Fourcault, of Paris, were detailed, where he coated animals with glue, tar, and various plastic compounds, all resulting in the death of the animals from cutaneous asphyxia. After severe mental labour the bath acted as a complete restorative, giving tone and vigour to the memory, and reviving the concentrative faculties.

* See *Trans.* 1860, p. 705.

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The action of the bath in scrofula was most successful, promising to snap the hereditary chain of its existence. Regarding insanity, some details of the operation of the Turkish bath at the Cork Lunatic Asylum were given, and the temperatures minutely described, and it was recommended that a hygrometric instrument should be used in all public baths, to test the relative dryness and moisture of the atmosphere. The constitution of the bath's atmosphere that is used by Dr. Barter, at St. Ann's Hall, Blarney, was specially regulated for the Cork Lunatic Asylum.

Dr. T. Lewis Mackesy read a paper * on "Dipsomania, or Uncontrollable Drunkenness," in which he advocated the necessity of legal power for the control of the dipsomaniac. He hoped that in an amended Lunacy Act, which was much required, efficient provision would be made for the treatment of ungovernable intemperance. Dr. Mackesy concluded with the following suggestions relative to the arrangements necessary for the restraint and treatment of dipsomaniacs:—

1. They should not, unless in exceptional cases, be the inmates of lunatic asylums.

2. Reformatory establishments for the reception of dipsomaniacs should be opened and encouraged, by the Government affording every facility for the due restraint and treatment of such cases.

3. That no Government grant would be required, as, under proper arrangement, such houses would be remunerative, as, in the first instance, it will be advisable only to open such asylums for patients who can pay for their support and treatment.

4. That such houses should be licensed and inspected.

5. That a code of regulations should be drawn up, setting forth the rules and the amount of restriction to be enforced when restraint was required.

6. The establishment to be conducted by a registered physician or surgeon of experience.

7. The manager to keep a journal, in which all cases of restraint shall be entered, with the cause of such restraint.

8. When a dipsomaniac places himself voluntarily in such an establishment he must have a medical certificate, and make a declaration of the facts of his case, and of his placing himself voluntarily under control. And it should be the duty of the magistrate before whom such declaration is made to inquire into and ascertain the correctness of such declaration from the relatives of the patient.

9. When a patient shall be sent to one of these establishments without his consent, there should be a certificate from two medical men, with a declaration of the nearest relative, stating the history of the case, which should be submitted to the magistrates at petty sessions, who should be empowered to inquire into the circumstances privately if the majority deem it expedient. The patient should only be admitted on the order of the magistrates in petty sessions assembled, unless in cases of great urgency and violence, when a case

* See *Trans.* 1860, pp. 538 & 567.

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may be admitted on the order of one magistrate, provided the urgency and violence of the case is medically certified; but such cases should be returned to the next petty sessions of the district, when the committal must be confirmed, and a petty session order obtained.

10. In all such cases there should be an appeal to the assistant-barrister at quarter sessions. This should be allowed in all cases of lunacy and dipsomania, to save the enormous expense of litigation that frequently occurs.

RESOLUTIONS OF THE DEPARTMENT.

QUARANTINE.

On the reading of the report on Quarantine, by Dr. Milroy, printed at p. 582, the following resolutions were passed, after brief discussion:—

Dr. LYONS moved—"That the existing state of quarantine legislation and practice is liable to many grave objections, and often causes unnecessary impediments to international and commercial intercourse without affording any adequate protection to the public health; and that it deserves the attention of Government and calls for further investigation."

Sir CHARLES HASTINGS seconded the resolution, which was unanimously adopted.

Dr. LYONS moved, and Dr. LANKESTER seconded, the following resolution, which was also carried unanimously:—"That it is highly desirable that an accurate report of all proceedings taken in respect of quarantine in the ports of the United Kingdom, and also of all official communications received by the Government relating to quarantine in foreign and colonial ports, should be annually submitted to the Legislature."

VACCINATION.

On the reading of the paper by Dr. Phelan, printed at p. 560, the following resolution was passed:—

Moved by Sir Charles Hastings, seconded by Dr. M'Donnell—"That this Department request the Council to consider whether, during the ensuing Session of Parliament, a Bill might not be passed to make vaccination compulsory in Ireland."

REGISTRATION.

On the reading of the paper by Dr. Harkin, printed at p. 548, the following resolution was passed. Moved by Dr. Lankester, seconded by Sir Charles Hastings:—

"That this Department, in considering the various questions connected with the public health of Ireland, feel that no satisfactory information can be obtained on the subject of the prevalence of death and disease. Great difficulties must be experienced in attempts to diminish them in the absence of a national system of registration, and recommend to the Council of the Association the consideration of the best way in which the Association can assist in obtaining an Act for the registration of births and deaths in Ireland."

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SOCIAL ECONOMY.

CONDITION OF THE WORKING CLASSES.

The Journeymen Bakers' Case. By W. NEILSON HANCOCK, LL.D.

IN choosing subjects which would be worthy of the notice of this Association, there are two obvious principles of selection. The members would naturally like to get an account of the progress made in any question which had once been brought forward; again, where the description of any form of social injury or grievance in one part of the empire has been brought forward at one meeting of the Association, the occasion of a subsequent meeting in another portion of the empire affords a fitting opportunity for completing the scientific knowledge on the subject, by giving an account of the state of the question at the new place of meeting. Both these reasons have induced me to bring before you the great hardships and grievances of the journeymen bakers, the facts respecting which I have studied with great care for the past year and a half.

At the Birmingham meeting in 1857, Mr. Lilwall, in his paper on the early closing movement, noticed the case of the London journeymen bakers. He quoted Dr. Guy for the fact that the large proportion of the journeymen bakers in London work from eighteen to twenty hours a day, and often, at the end of the week, for two entire days in succession. Their workshops, too, were represented as most unwholesome.

The petitions presented to Parliament during the present Session show that these evils continue unabated. The journeymen in London state their complaints more specifically than Mr. Lilwall. They say that they are compelled to work at night, and from four to six hours on Sunday, and from sixteen to eighteen and twenty hours on week days; that the majority of the workmen are prevented from attending any place of religious worship; that the men, with few exceptions, single or married, must sleep upon the premises, and if married have not the opportunity of seeing their wives or families for a week; and lastly, that the long hours and night work deprive the young men of all means of self-culture and improvement, and they cannot participate in those institutions of education and instruction which are available to other portions of the working classes.

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Such grievances appear to me only to require to be stated to enlist the sympathy of all good men in seeking for a remedy. Accordingly, since 1857, very active steps have been taken with that object. Mr. Ebenezer Stevens, a master baker of London, in 1859 visited Scotland, and collected information of the history of the great bakers' reform which has been for some years in operation in that country.

The journeymen bakers in London commenced an active agitation on the subject. Their movement received the support of that true friend of the working classes, the Earl of Shaftesbury; of Dr. Guy, of King's College, and of Lord Ebury; and a great meeting was held in March, 1860. The agitation extended to Bristol and other towns in England, and has led to a very important result. The Home Secretary, Sir Cornewall Lewis, granted a Commission of Inquiry into their case, and Mr. Tremeenhere, the Commissioner of Mines, is now conducting that inquiry; and before the next meeting of the Association we shall have facts ascertained by official authority as the basis of further discussion and of legislation.

The history of the Scotch bakers' reform, collected, as I have mentioned, by Mr. Stevens, affords a remarkable illustration of the great truth—that there is scarcely any evil mankind is suffering from which has not in some place, by the courage and firmness of some brave men, been remedied. The safest guide for remedies for social ills is the account of such as have been already tried and have succeeded. There is far more to be done in advancing Social Science by careful investigation of what is going on around us than by mere theories or inventions.

The history of the great Scotch reform is very well told in the letter of Mr. John Bennett, the Secretary of the Operative Bakers' National Association of Scotland, published by Mr. Stevens, in 1859, in his "Voice from the Bakehouse":—"It was in 1837 that the journeymen bakers in most of the towns and cities throughout Scotland memorialized their employers for a strictly cash remuneration, instead of the then existing system, whereby they received board and lodging in the houses of the employers, in part payment of wages. A great number of employers acceded to this request voluntarily, and such as did not were ultimately compelled to do so, being in part operated on by the strength of the Operatives' Association, and partly by the force of public opinion. Our meetings had the effect of enlisting the public sympathy, which took action by resolutions to support or patronize only such employers as had agreed to the reasonable request of the journeymen. This gain was certainly a great boon, and enabled journeymen bakers, like other citizens, to have homes of their own selection, which worked a great improvement in the morals of the men; and in no form was this more remarkable than in the number of marriages which took place in a very short time after the happy arrangement was made. Previously a married man among journeymen bakers was a rarity; if married, he would find it difficult to get a situation, being almost invariably told when making application for

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employment, that only single men were wanted, and such to board and lodge in the house.

"Our success in the matter of wages, &c., begat another aspiration. Having now homes of our own we had the advantage of spending some portion of our scanty spare time with other workmen, but, through our excessively prolonged hours of labour, we were still debarred from many privileges which were enjoyed by other operative classes. We had established reading-rooms and libraries in most of our towns, but they were of comparatively little use, excepting for journeymen out of employment, as the length of hours almost generally wrought by bakers prevented the men from either attending the reading rooms or making use of the books in the libraries; in fact, the length of hours was now being felt as a great grievance. It was also found, that although, since our success on the question of wages, there had been a much greater attendance on religious exercises, both of married and single men, yet their drowsiness in church was so great as to prevent them joining in the services in such a manner as would be seemingly, and which drowsiness was purely to be attributed to the undue prolongation of the time of labour throughout the week. We determined to remove this injustice, and get a limitation of the hours of labour. Our determination took root, and in 1845, when Mr. Fielden introduced his Bill into Parliament for a restriction of the hours worked in the factories of the United Kingdom, then came this question, 'Is it practicable for bakers to work to ordinary time?' I need not say that there were many who looked upon us as visionary, not only employers, but journeymen likewise. However, to the credit of some of the employers, they gave the twelve hours' system a trial, such experiment, much to their honour, being strictly voluntary. Of course all looked upon the experiment with much anxiety. The result was, the setting to rest all doubt as to the practicability of working to ordinary time. The tedious way in which Mr. Fielden's Bill was passing through Parliament seemed so much time lost. Conferences were held with the employers, and it was agreed upon, almost universally, to restrict the hours of labour, from five A.M. to five P.M."

The system of twelve hours' work on week days, and total absence from Sunday work, (except for the short time, about an hour, absolutely necessary to set the sponges for the following day,) has prevailed, with some exceptions, in Scotland from 1847 till the present time.

As to the results of the system, there are two pieces of evidence which I will bring forward. The first is a letter from Mr. Dalgetty, of Crossmyloof, Glasgow, one of the largest bakeries in Scotland, to Mr. William Hatfield, Secretary to the Associated Journeymen Bakers of London, dated 2nd May, 1859:—"The late Neale Johnson, Esq., began his bakery establishment at Crossmyloof in 1847; from that time to the present I have been manager, and have found no difficulty in regulating the time of the men employed so as to be in conformity with the rules of the Journeymen Bakers' Associa-

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tion of Scotland—viz., from five o'clock morning to five o'clock evening, meal hours included. I can put in all my sponges before five o'clock with the exception of a few weeks in the heat of summer; the last one (to be used on the following day) is put a few hours later, to do which some of the men attend in rotation, for which they are paid when such work is required. The necessary work on Sunday is done in one hour—from five to six, evening—one half of the men attending, having each an alternate Sunday clear of work. I may inform you that the business is entirely confined to loaf-bread of the first class, no second kind being manufactured; and at present we are baking 140 sacks daily. I am so thoroughly convinced of the practicability of the restricted hours for the operative bakers, that I would on no account desire or give any countenance to a change. The men work with a diligence and activity that I could not expect if they were deprived of their natural rest and recreation; and I do think the master bakers of London themselves would be benefited by adopting the short or limited hours' system. If this testimony of twelve years' experience is of any benefit to you, you are at perfect liberty to use it in any way it may help you in the cause of your emancipation."

The next piece of evidence is a very remarkable memorial, obtained by the activity of Mr. E. Stevens, to whom I have referred; it is signed by 150 master bakers of Edinburgh and Leith, and addressed by them, in April, 1860, to the master bakers of London.

The memorial, in the first instance, admits all the evils complained of by the journeymen bakers of London:—"That the present system is most pernicious to the workmen cannot be denied. Its manifest tendency is to injure their health, shorten the term of their existence, deprave their morals, and render them incapable of performing the duties and experiencing the comforts and enjoyments of family and social life. Its deleterious effects on the physical constitution are well known to all connected with the trade. Nor is the result in a moral point of view less clearly injurious. The craving for excitement produced by the oppressive and exhausting nature of their work impels them to indulgence in the lowest forms of dissipation, that they may procure relief from their bodily prostration, and a momentary forgetfulness of fatigue. And to talk of the duty and pleasure of mental improvement, and moral elevation, to a man who is engaged in sustained and arduous bodily labour from eleven o'clock at night till late in the afternoon of the succeeding day, is simply to insult and mock him, and to place the speaker in a very ludicrous position indeed."

The memorial then bears the strongest possible evidence to the perfect practicability and success of the Scotch system of twelve hours' day work:—

"The advantages to be derived by the masters from the proposed change are, perhaps, not so apparent, though they are equally real and scarcely less valuable. On this point the master bakers of Edinburgh at once and confidently appeal to their own experience

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for a period of more than ten years. Formerly the system which prevailed in Edinburgh was similar to that pursued in London. The change, when originated, was backed by the majority of the intelligent and influential public. The masters, like the London masters at present, were fully sensible of the evils for which a remedy was sought, but, like them, they for a long time resisted the proposed alteration, under the impression that it would interfere with the efficient and expeditious working of their business. Public opinion at length compelled them to give way, at least to the extent of giving the proposed system a trial. Only a few could at first be prevailed on even to go this length, and even these were by no means confident of the result. They proposed to commence work at five in the morning and end at five in the afternoon. A very little experience was sufficient to demonstrate the wisdom and advantages of the change. Gradually those who had been most averse to the alteration adopted it, and in a very short time the night-work system of baking in Edinburgh was unknown, except as a thing of the past, which everybody was glad they should see no more. And the whole experience of the masters since that time has been more and more strongly to confirm them in the opinion that the step they then took, though at the time it was taken by many of them with doubt and reluctance, was most beneficial, not only to the workmen but to themselves. The masters can attest that the expectations entertained by the promoters of the new system, in regard to its beneficial effect on the workmen, have already been to a considerable extent realized, and promise to be in future still more completely realized; and from the improved condition of the men, the masters receive no small share of the benefit. They are more diligent and active at their work, more regular and trustworthy in their habits, so that at least an equal quantity of work is done by them during the period of labour under the new day system, as under the long fatiguing period of the old night—or rather night and day system. Besides, the greater part of the work can now be done under the immediate superintendence of the master himself, and the workmen are much more under his control. In a word, the masters do not hesitate to say that, even in a commercial point of view, the change has been to them a great advantage, inasmuch as their work is much more efficiently, without being in the least more expensively, performed.

"The interest of the public in this question is evident, and there can be no doubt as to the view which will be taken by them in the matter, and which system their opinion and influence will favour. This will of course turn very much on the question whether, under the proposed change, they can obtain the same conveniences, and be as well accommodated and supplied with this most important article of bread as they are at present. And to this question the experience of the master bakers of Edinburgh enables them to give a very satisfactory answer. It is unnecessary here to enter into minute professional details, as these can be readily obtained by any who may desire them; but it may be mentioned generally, that in no single

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respect have the customers of the Edinburgh bakers been put to any inconvenience by the alteration, nor have they been obliged to forego any of the advantages which they formerly enjoyed. The rolls are prepared and ready for delivery by seven o'clock in the morning; and in other respects, from the comparative vigour and attentiveness of the workmen, their wants and requests are more carefully and punctually attended to." The facts thus stated on the best evidence have been extensively published, both in this country and in England; they were sent to every master baker in Dublin, and to the present hour no attempt has ever been made, to my knowledge, to invalidate the accuracy of the statements, or the inferences to be deduced from them.

From the first moment the history of the Scotch system came to my knowledge to the present hour, I have always thought that a more just, a more reasonable, a more righteous demand was never made by any class of labourers from their employers than that which the journeymen bakers ask of their masters in England.

The men say, "Night work is unnecessary, Sunday work is unnecessary (save for setting the sponge,) excessive hours of labour are unnecessary, depriving us of our homes and our family connexions, and debarring us from our religious duties. You, our masters, can relieve us from all these evils; you are responsible for your conduct as directors of labour, as possessors of wealth, as electors of the empire, while your arrangements prevent us from being, as educated men, and, above all, as moral and religious men,—in all these capacities you, our masters, are responsible for every hour that you fail to adopt that great reform which the experience of Scotland for twelve years has demonstrated to be perfectly feasible and perfectly practicable, advantageous alike to masters and men and the whole of our fellow-citizens."

Having stated the case as it exists in England and Scotland, it only remains to notice the Irish part of the question.

The first movement on the subject in Ireland took place at Londonderry, about 1839. The journeymen put an end to Sunday work. They succeeded in this by putting in force the provisions of the Act for regulating the baking trade (1 & 2 Vict. c. 28, s. 13,) which imposes a penalty for working at any part of the process of making or baking bread, except setting the sponge. The fact that efforts of the men were thus aided by the law on the subject is a most important one. We are often told that legislation is unnecessary, that there should be no interference, that the men should be left to take care of themselves: inquiries into this question have shown me that neither in Londonderry, nor Belfast, nor in Scotland, would the men have succeeded in overthrowing Sunday work if the law had not been with them, and if public opinion had not supported the enforcement of the law.

In 1842 great meetings were held in Dublin, Belfast, and Cork, on the bakers' question—for the abolition of Sunday work and night work. The masters, however, proved too strong, and the movement

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failed, except in Belfast, where Mr. Hughes, a master baker, single-handed, carried on the system of day work; he has carried it out ever since (with one slight exception, of beginning on Monday morning immediately after twelve o'clock on Sunday night,) and has realized a large fortune, and has one of the largest baking establishments in Ireland. He is an ardent advocate of the day system; and if protection of the Sunday's rest were only extended by law to five A.M. on the Monday morning, he would be delighted to adopt the Scotch system of twelve hours, from five A.M. till five P.M., in its entirety.

The day-work system was adopted in Lisburn in 1858; we found on inquiry that it had been in existence for a considerable time in Longford, Carrick-on-Suir, and Killarney, and for some months in Galway.

In December, 1859, the operative bakers of Dublin addressed the public, complaining of precisely the same grievances as the London bakers, and asking the same remedy that had been so successfully applied in Scotland. They said—"There are a few amongst them who have had many years' experience as working bakers. At the early period of those men's time, there was no such thing practised as going to work at from three to six o'clock on Sabbath evenings, nor any other evening, a system which they hold to be both unchristian and inhuman. Work at that time generally commenced about nine or ten o'clock in the evening, and, in some instances, not sooner than twelve, and finished in about twelve or fourteen hours. In the progress of time it became so bad and oppressive that they were obliged, in consequence, to seek a curtailment of the number of hours of work, which varied in some employments at an average of from seventeen to twenty-two hours daily. The operative bakers, from the nature of their business, cannot be in a proper state, as other tradesmen, to attend their respective places of worship on Sunday mornings, as they have to go to the bakehouse to prepare Sunday evening's work; and as for Sunday evening's service, it is entirely out of the question—that service must be performed in the bakehouse." On this statement appearing, I made it my business to inquire into its truth, and I found it perfectly true in every respect. I next inquired from the masters what they had to say against it, and I found they had no answer; to meet the facts of the Scotch case they had nothing to rely on but their selfishness; they would manage their trade as they liked, no matter what effect it had on the men.

When the public in Dublin came to understand the question, a very influential requisition was addressed to the Lord Mayor, and a public meeting held, at which a small association was formed for effecting the abolition of Sunday and night work.

The further history of the movement in Ireland is detailed in the Report of the Committee of this body:—"After the Dublin meeting, public meetings were held, convened by most influential requisitions to the mayor or chief magistrate, in the following towns—Limerick,

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Waterford, Cork, Wexford, Kilkenny, Drogheda, Dundalk, Newry, Clonmel, and Tipperary.

"The movement also extended to Cahir, Portlaw, Nenagh, Ennis, and Rostrevor, and other places not reported to the Committee.

"Amongst the towns where day work was either established or approved of at public meetings are thirteen out of fourteen of the largest towns in Ireland. These meetings were all promoted by the journeymen in the several towns waiting on the leading inhabitants, and the expenses of the printing and other preliminary arrangements were in most cases chiefly defrayed by the men. There could not, therefore, be a stronger proof of the very wide-spread feeling amongst the men of a desire to be emancipated from the degrading and demoralizing system of Sunday work and night work to which they had been subjected than such contributions.

"As the result of the bakers' movement up to the present, day work has been successfully tried in Wexford, Kilkenny, Clonmel, Waterford, Cahir, Portlaw, and Rostrevor, and has been partially tried in Dundalk, Newry, Drogheda, and some other towns.

"In Limerick, where the grievances of the journeymen are demonstrated to be excessive, the movement has been defeated by the opposition of the master bakers; the miller bakers being the greatest opponents. The example of Limerick led to a retrogression in Ennis and Tipperary."

The master bakers of Limerick have since joined in a petition for inquiry.

"In Cork, where the strongest possible demonstration of public feeling took place, the masters, by exercising their power of turning the men out of employment, have defeated the movement.

"In Dublin the master bakers have offered the most determined opposition to the movement, and, by discountenancing as much as possible the journeymen promoting it, have succeeded in leading the men into acquiescence in Sunday work and night work, contrary to the convictions of the men, as indicated by their enthusiasm at the public meeting in May, 1860."

After all this demonstration of public opinion, steps were taken by the Committee and by the journeymen to enforce the law against Sunday baking.

The police, however, required the men to give evidence in every case; some of the magistrates inflicted small penalties. The result is, that, through the apathy of the magistrates and the police, although several leading master bakers of Dublin have been convicted for having baking carried on on Sundays, they nevertheless (with one or two exceptions) persist in violating the law themselves and in making nearly every man in their employment do the same.

The result of this state of affairs is well described in the Report of the Dublin Committee:—"That for master bakers to induce their workmen, by the fear of losing employment, to violate their religious convictions and their better feelings, to disobey the law of the land, and to disregard public opinion, is calculated to provoke ill feeling

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between workmen and masters, to lower employers in the eyes of their men, and affords an example dangerous to morality, religion, and social order."

Such being the journeymen bakers' case, what is the remedy?

The greatest grievance they suffer from is the Sunday labour. To remedy that it is only necessary for magistrates and police to be as active and vigilant in enforcing the law which restrains the selfishness of the rich as they are in enforcing those which restrain the poor. What is the use of having the most efficient police force, and with a paid magistracy, if the law be not obeyed? What hope is there in further legislation until that be attained?

The Sunday rest from servile labour involves another question—the workman, if he is to have his Sunday for religious duty and for family intercourse, should not have to begin working at twelve on Sunday night. The true meaning of the day's rest extends till five on Monday morning, and the law should conform with this state of facts and impose the same penalties for working before five on Monday morning as on Sunday. We should then have the Scotch system instead of the Belfast one. Again, the men could often regulate the hours of labour through their trade societies, if it were not for the power the masters have over them by taking apprentices and young persons.

If the men are to be left to themselves, it is perfectly plain society is bound by active interference to protect young persons and apprentices. All the reasons for prohibiting the employment in factories for more than ten hours, or at night, apply with equal force to the employment of such young persons in bakeries.

I am strongly convinced that these three steps would emancipate the journeymen bakers from all the evils they complain of:—

1st. An enforcement of obedience to the existing law against Sunday labour, and an increase of the powers and penalties for that purpose.

2nd. A law securing rest from twelve on Sunday night till five on Monday morning, as truly part of the rest the workman should have on the Lord's-day. And,

3rd. An extension of protection, on the principles of the Factory Acts, to all apprentices and young persons under eighteen years of age employed in bakeries, to guard against their being worked at night, or for more than ten hours.

For some years our writers on social science have spent too much time and thought on the praise of industry, forethought, and industrial and worldly success. They have spoken of labour as a commodity, of the price of labour being regulated like the price of other commodities, of the only question between employer and employed being the question of wages.

The investigation of this bakers' question has led me to a very different conclusion. I believe that, for the lasting good of the labouring classes and of society, the first condition is, that the labourers are placed in a condition to discharge their domestic duties

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as sons, brothers, husbands, and fathers, their duties to society, and, above all, duties as moral and religious men; that no industrial or material success compensates for any arrangements that interfere with these higher matters.

I believe that the tendency of capitalists, when unrestrained by a vigilant public opinion, is that ascribed to them by Adam Smith, the greatest of political economists, of sacrificing the public interest to their own; and that there cannot be a greater mistake in social feeling than that of leaving the labourers entirely in the hands of the capitalists, without the intervention of a strong and enlightened moral public opinion, strengthened, where necessary, by law, to have its paramount commands obeyed.

On the Social Condition of the Labouring Population in Ireland. *By the* Rev. Wm. Hickey.

While decided progress, moral and physical, is observable in the higher grades of the social scale, and also in that of working mechanics and artisans, evinced by their more temperate habits, higher intelligence, self-respect, and increased domestic comforts, the condition of ordinary labourers (especially in rural localities) has not advanced at a commensurate pace; it is, in fact, lamentably low, as the general rule.

The diet of the Irish labourer is much inferior in quantity and quality to that of the British labourer.

Six years ago I published a pamphlet on "The Moral, Intellectual, and Physical Conditions of the Agricultural Labourer," in which are tables to demonstrate that the Irish labourer is worse fed than the British labourer. I know, from parochial experience and observation, during several years in England, that men with large families of young children in many parts of that country are often very poorly fed. Although their earnings at the minimum rate are greater, on the average, than those of the Irish labourers with equal families at the maximum rate, the privations therefore of the Irish labourer must be still greater, the cost of food being the same in both countries. Suppose the latter to have a wife and three children incapable of working, they will require, for weekly sustenance,

		s.	*d.*
2 stone of Indian meal	price	2	4
2 stone of barley or oatmeal . .	„	3	0
		5	4

To this there should be added something for milk, salt, fuel, and candles. How are these necessaries to be supplied if the earnings do not exceed 6*s.* per week?

Mr. Hamilton, Poor Law inspector, reports to the Irish Poor Law Commissioners:—"The average cost of maintenance outside the poor-houses is about 1*s.* a week for each member of the family." Mr.

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Bourke's report concludes thus:—"A glance at the returns will suffice to show that, with wages not exceeding 6*s.* a week, a labourer has no easy task in providing food, lodging, fuel, and clothing for his family; indeed, it is difficult to see how, without some additional resource, he can supply all the necessaries of life, even of the commonest kind." I know families of which the children are fed but twice a day, and that exclusively on Indian meal. Such diet will not promote physical growth and muscular strength, and rear up a generation of healthy and vigorous labourers suited to the requirements of the farmer. How long will the agriculturist who selects with care the best specimens of cattle, horses, and sheep, for propagating their kinds, and feeds all his live stock even to repletion, continue to disregard the importance of providing amply for the sustenance of the human beings in his employment?

I have been assuming that the Irish labourer receives 6*s.* a week, because the most authentic statistics do not give a higher average. Yet only half this amount is paid in numerous cases.

From a tabular statement which I arranged two years ago, for the purpose of ascertaining the number and respective conditions of all the field labourers within my united parishes, which comprise 10,000 statute acres, I find that there are out of the total number of labourers fifty-five who work for 3*s.* a week with diet, and that of that number many have families, which are large and always in distress. The man who works at this low rate of hire, being well fed six days in the week, are individually better conditioned than others with 6*s.* or 7*s.* a week without diet from their employers; but if they be married men, their wives and children are half-starved. The tables from which I deduce my inferences are fair illustrations of average populous and rural districts of equal area, and possessing similar qualities of entirely cultivated land. Were it not for extra earnings in the short harvest period and the sale of poultry and eggs, it would be impracticable for families in such financial difficulties to provide clothing and fuel and pay house rent. In cases of sickness or bodily hurts, the condition of the patients is deplorable, for, except in the details of bleeding, blistering and physicking, and medical advice, there is no relief for the afflicted from the poor-rates (exceptions only proving the rule of denial) in the poor man's home, and therefore only that aid which may arise from private benevolence, casual, and generally inadequate.

Why should such sad realities oppress the condition of the Irish labourer when things are so differently ordered in England and in Scotland, where, moreover, wages are so much higher?

Tabulated returns published in the (London) *Gardeners' Chronicle and Agricultural Gazette*, February 16, 1861, show that the weekly wages are, on an average, of Great Britain about 12*s.* a week, and in Ireland only 6*s.* There are, indeed, some southern counties in England which give a rate of 8*s.* or 9*s.* a week, but in others, especially in the northern ones, they amount to more than 12*s.*, and the British Poor Law out-door funds provide nourishment money for

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the sick poor. We do not blush in Ireland to learn that only one among thirty paupers has been allowed Poor Law aid within the domestic roof, while in Scotland nineteen in twenty, and in England six in seven, have had support in their own houses during sickness or only contingencies depriving them of the means of self-support. We ought, I think, to feel shame at this contrast.

The increase that may be requisite in the amount of regular wages in Scotland can only be legitimately augmented by an increasing demand for labour arising from the decrease of supply. And this is even now partially felt, from the influence which the tide of emigration is exercising. And that tide is depriving our country of the most promising class of workmen.

The employers of labour would be wise in looking to means of bettering the condition of the stock which remains. We have the benefit of good education for the rising generation, under circumstances much more favourable for developing the mental capacity than in England, because their children are usually removed from school at the ages of eleven or ten, whilst in Ireland they are left at school until a more advanced age. Again, the progress of information and energy among the larger agriculturists will necessarily cause increased demand for steam ploughs and other mechanical aids to farm-culture, by which the produce of the soil will be greatly stimulated, and this will call forth a demand for more labourers. "Where machinery saves labour," was the remark of Mr. Chadwick, in an important paper recently read by that distinguished gentleman before the English Agricultural Society, "the progress of agriculture," he continued, "will require more of such machinery and therefore of skilled labourers." He stated among other interesting facts, that the wages of skilled labourers on an estate in Scotland are 16*s.* a week, where in the middle of the last century they were 6*d.* a day, rent being about 10*s.* per acre, the farmers starving. The same farm now pays £3 an acre. Some farmers, tempted by the lower rent of 20*s.* per acre, and labour wages 9*s.* a week in a more southern locality, contemplated settling there; but they soon withdrew from the 9*s.* a week ill-educated and ill-conditioned labourer and the 20*s.* an acre land. Agriculturists of this class went over to Ireland during the lower sales of the Incumbered Estates Act, but when they examined the condition of the 8*d.* a day labour there, they declined to bid any price for the land.

This is a very unfavourable representation of the value of a labourer—probably in the west of Ireland—some time ago, and undoubtedly many of the working classes got lazy and extremely unskilful and not worthy of increased wages; but raise their condition by all available means, and supply adequate motives for exertion, such as employing them by remunerating piece work instead of hour work, and the difference in their modes of labouring will be soon perceptible.

The proportion of fourth class (one room) habitations is, I hope, small and diminishing; but the number of third class houses (two

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rooms) is great; and therefore the social and physical evils arising from overcrowded habitations press upon the mind of the philanthropist, as they have recently on the Legislature. With the numerous exceptions of stone-built, slated cottages embellished with gardens and provided by benevolent landlords, the great majority of habitations are of mud-built walls, from which mortar and whitewash—if at all applied—often fall in flakes during the winter, exposing a very unsightly appearance. As to brick or tile ground-floors, they are very rarely to be met with. The results of the new Act on this point may be productive of much social benefit. Legal and other difficulties hitherto have embarrassed landlords in their efforts to provide comfortable cottages for labourers. Perhaps it would be desirable for landlords to have the labourers on their estates, under their own protection, and to receive the rents of their cottages or rooms directly from them; at least, in the common cases of low class tenant farmers, who are often unfit to have the privilege of fixing the amount of rent for the labourer's holding and capriciously treating him. It can be arranged between landlord and tenants, that while the former supplies adequate lodgings for the labourers' families to be employed on his estate, that the latter should have the opportunity of disposing of their labour to the best employers on the estate; it is only desirable that they may be independent of the tenant farmer on whose land they may be located. The landlord might judiciously stipulate for the right of repairing damages and charging the occupiers with the cost, unless the repairs be effected by themselves within a certain time. It may be expected that double and single cottages will be extensively built in this age of progress, yet not on the expensive scale suggested by the Yorkshire Agricultural Society, who have proposed prizes for the plans of small cottages, from £120 to £220.

It is a just remark, that the Irish poor, if admitted into neat and embellished cottages, soon allow them to become dilapidated and unrepaired. This result has totally discouraged many improvers. But let these considerations have due weight:—You cannot force civilization on a starving people—physical wants should be first attended to; from inattention to this first law of nature, many mistakes have been made by benevolent landowners. It is vain to expect that the poor will care for neatness of appearance and embellishments until they enjoy bodily comforts. Necessities must be supplied before comforts can be appreciated. The support of life is the first object, then the desire of comforts and the mental taste to discern them follows. There is no use in giving an ornamented window, for example, to a person in whom no taste has been developed: so of the flower garden—a latent taste for flowers can best be developed gradually from experience of the use and comforts arising from successful culture of the cabbage or any such ordinary edible vegetable. All this must be of gradual growth.

Indian meal is now the staple food of the rural poor,—it is the most nutritious available to those who cannot afford wheaten or

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even barley bread,—and it admits of few variations in the manner of preparing it. Yet the different modes of using it in porridge, cakes, or soup, should be encouraged. Cheap soups are easily made, and it is desirable that our peasant women should be taught and induced to concoct them. Necessity, in truth, compels the labourer's wife, in most instances, to practise every sort of domestic economy within her power. Where the wages of men are very high, as in Lincolnshire, women rarely labour in the fields at harvest work; they therefore are remarkable for the cleanly and orderly state of their cottages, the brightness of the windows, and the cleanliness of the household furniture, and the skill with which they bake and stew cheap and substantial articles of food, and the industry with which they make and repair clothing: but until, if ever such period shall arrive, the Irish labouring wife shall attain to the same means and opportunities of exercising the now undeveloped talents for such employments as an advanced condition of domestic economy suggests, it is useless to address her upon the subject.

Before we say, "Be ye warmed and filled," we must first supply "those things which are needful to the body."

The proverbial improvidence of the Irish character is ceasing to distinguish the peasantry of Ireland. In the south-eastern portion of Ireland, with which I have been connected during the last forty years, the population (which is not of Celtic origin) has always been distinguished by habits of thriftiness and order, relatively with the western and south-western portions of the kingdom.

Since the advantages of emigration to America have been demonstrated, young men of the labouring classes, domesticated with farmers, have acquired habits of saving their quarterly earnings for the purpose of leaving this country and obtaining employment in the United States. In some instances they have made visits to the parent country, for the purpose of marrying and taking a tribe to the country of their adoption. This early habit prevailing among many young men, of saving the means of procuring a stock of clothes and the funds for paying the expenses of the voyage, have wonderfully influenced them and others with similar objects to avoid improvident marriages. The number of persons, of both sexes, who inconsiderately rush into matrimony is now very small within the circle of my experience. Thus many of the most self-denying, industrious, and intelligent of the rising population of labourers are depriving this country of the most hopeful class of workmen. Prudential habits are decidedly superseding those of recklessness and disorder. Intemperance, in its ordinary sense, is so incompatible with the saving habits to which I have referred, that it is of rare occurrence, not only among the intended emigrants, but among the working classes generally. The poverty of the great majority of labourers prevents them, not only from habitual dram-drinking, but even from casual indulgence, with occasional exceptions, in the use of any intoxicating liquors. And the ecclesiastical power of the Church of Rome has been lately put forth in the most praiseworthy manner by some

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of her bishops, in pastoral letters, against the opening of public-houses during any hours of the Sabbath-day or holydays, and effective exhortations of temperance. The good results of these are manifest. The sad spectacle of the degraded drunkard and his miserable family is only exhibited in a few instances, to point a moral and deter the beholders from indulging in a course which conducts to such moral, social, and physical wretchedness.

On the subject of recreation, little need be said. Hard-working men have short space of time for mere amusement. They require rest; older ones, perfect rest. A stroll to a neighbour's house, or attention to some previously omitted domestic matter, generally occupies any leisure hours they may have. Yet for young men and boys such recreations as are afforded by athletic sports—running, jumping, leaping, throwing heavy weights, quoits, cricket playing—above all should be encouraged, and any such exercises not too exciting or provocative of serious antagonism. These manly sports, besides developing the physical powers of the body, tend to stimulate mental activity,—mind and body reciprocally acting on each other.

For the female sex, a taste for the culture of culinary vegetables, in common with the male sex, and especially a taste for flowers in gardens and windows, should be especially encouraged; and choral music in both sexes. The village band, though sometimes associated with dangerous influence, is, on the whole, worthy of encouragement, to relax the mind from the severities of dull and systematic labour, and to induce an appreciation for the higher harmonies of human life.

A Few Particulars relative to our Town-Poor, especially the Irish Town-Poor. By Henry M'Cormac, M.D.

The state of our town-poor results from the condition in which they are placed, their previous training, opportunities, and temptations. The great power of self-guidance, so slowly perfected in us all, they only possess imperfectly. The culture they receive, the active sympathy manifested for them by classes above their own, does not sufficiently supplement their deficiencies.

The habitations of the town-poor are very wretched. Many of those in Belfast and Dublin are old, damp, unclean—in short, utterly unfitted for decent human occupation. The poverty of the town-poor leaving no choice of residence too often brings them into unavoidable contact with the most reckless and degraded of our species. Even where new habitations or streets of habitations are erected, the cupidity of speculators leaves the room spaces too narrow and the provisions for ventilation and cleanliness of the most insufficient description. I have long thought that the erection of dwellings for the poor should be placed under some sort of municipal or other control. Whether houses for the poor be thus seen to or not, it is desirable to prevent persons with accommodations insufficient even for themselves from

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taking in lodgers. The minimum of house accommodation for married persons with families should consist of a living room with three sleeping chambers, one for the parents, the other two for the young men and women of the family, severally. It is greatly prejudicial to moral interests and to health, when the sexes, without any means of separation or desirable appliance, spend their lives, day and night, together. For the most part there is no attempt at, because there is no facility for, isolation, no possible privacy. How can religious or other desirable influences adequately avail when the circumstances of the people are such as to militate against their introduction? Most certain is it, that the condition of the homes of the working classes is often very adverse to all true elevation, to health of body and soul. What disease would be prevented, what crime, what wearing discomfort, what degradation, were the dwellings of the working classes only adequate to the real requirements of the occupants!

I shall not here enlarge on the want of sufficient water, gas, and light supplies, the paucity of space, the insecurity against fire, the various inflictions that outrage the sense of purity and order, which, however perverted and defaced, subsists in us all; the imperfect arrangements for heating, for cooking, for washing, for personal and household cleanliness; but shall proceed at once to consider a want that leads to yet greater physical suffering and loss than any other single or, perchance, collective material influence whatever. I speak of the absence of ventilation, of night ventilation in particular, the so frequent source of disease and death; for I look upon the exclusion of a pure atmosphere by night as the efficient and acting source of consumption and scrofula. Without a continuous supply of pure oxygen, in the proportion presented by the atmosphere, the effete waste of the body cannot be properly burnt off. And if the effete waste be not all burnt off, the inevitable sequence, as I conceive, is the deposit of the residue in the guise of tubercle, either internally in the different forms of consumption, or externally in the various aspects of scrofula. Every one knows how the poor are decimated by these maladies. That they are so arises from the insufficient supply of oxygen, at once during working hours, the hours of relaxation, and very especially those devoted to repose. The difficulty of ventilation is enhanced by the bad construction of windows, those in the houses of the town-poor in especial. They are made to lift, but, in order to avoid the pitiful outlay of a few shillings for cords, weights, pulleys, they are not made as they ought all to be made to pull down. The little wooden wedge, inserted on each side, to prevent the upper window-sash from descending, viewing it as an impediment to ventilation, has proved the most deadly instrument of destruction in the world. Every window ought to be made to pull down. Instructions should be issued from masters to their workmen, from parents to their children, from house owners to their tenants, from doctors to their patients, from divines to their flocks, to pull down the windows of living and sleeping chambers at all convenient hours during the day,

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and invariably, winter and summer, during the night. There is no other way than this, by a door, as it were, direct into the ocean of the atmosphere which subsists about us, to secure an ever-fresh supply of untainted oxygen, and, as I maintain, a more or less perfect immunity from the ravages of scrofulous and consumptive maladies.

The wretched construction of the houses of the poor, the utter want of conveniences, the absence of the desirable facilities for insuring the requisite interior and exterior cleanliness, all militate extremely against the physical and, less directly, the moral welfare of the poor. Many of the houses are on a level with, and some below the level of the street. The wretched mode of constructing the public ways, creating a mixture of mud and slush at one time, of dust and impurity at another, both taint and chill the atmosphere. In summer this dust, commingled with the dried-up droppings of animals, finds admission through every crevice. In winter dank and ill-smelling exhalations are swept into every abode. It is needless to say, that dwellings of this sort are unprovided with any facilities for the daily bath, even in the simple form of the tub or basin-bath, and none or next to none for washing and drying the inner garments of the inmates. Municipalities should everywhere encourage the erection, or even undertake it themselves, of public wash-houses, where, by means of washing and wringing machines, and warm closets, the labouring poor might have their garments rendered sweet and pure at an almost nominal charge. For I do not approve of mothers leaving their houses, to the prejudice of their little ones, taxing their too often enfeebled physical powers to wash in public washing-houses, when it can be so much more cheaply and effectively done for them than by them. As it is, the accumulated foulnesses in and around the houses of the poor are not only hurtful in themselves, but too rapidly exhaust the invaluable agency of ozone, or allotropic oxygen, supplied by a bounteous nature for the purification of the abodes of man.

It is hardly necessary to observe that the sewerage is everywhere deficient about the houses of the poor. Feculent matters, sweepings, animal waste, offensive to the moral and physical sense, lumber in the gutters, or, finding their way into the sewers, taint the atmosphere at every turn. Rivers running through towns, in place of being allowed to flow with the limpid purity bestowed by a beneficent Providence, are converted into mere conduits of feculence, which, when their outlets happen to adjoin, are cast upon the sea-beaches, and there, mingling with the weed and waste, taint the atmosphere and more or less affect the salubrity of the vicinity. The health of all classes, did we but see it, is bound up in one indissoluble alliance. Whatever injures the moral, physical, social welfare of the poor, is injurious, let us be well assured, to the rich also. And whatever benefits the poor man benefits also his wealthy brother. Fortunately, means and appliances derived or derivable from chemical science and mechanical art are at hand, enough, and more than enough, to remedy some of the evils here adverted to. Streets may be con-

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structed of concrete, or stone, or metal tramways. Gas and water may be conveyed above ground, as the telegraph wires are, and the rainfall may be led away in the surface-gutters, without the necessity of breaking up the pavement for any purpose whatever. Sewers, those pestilent and abominable contrivances for tainting air and water alike, should be abolished. Well-paid scavengers, exercising the functions of the Indian sweepers, might go from house to house, at stated intervals, and remove all and every accumulation. The waste of every house should be preserved in porcelain vessels, in chambers set apart; that is to say, in covered metal vessels, enamelled with porcelain. In similar covered vessels should this waste be received and conveyed away. By employing the permanganate of soda, or potash, or lime, which enjoys the precious property of yielding allotropic oxygen or ozone, all foul taint and offensive emanation is instantly or almost instantly removed. This permanganate of soda, itself, is quite cheap; has no foul or trying odour, unlike some other deodorising substances; is perfectly innocent; and has further the infinitely important property of giving out the most powerful and efficient disinfectant—ozone, namely—in the known world. By means of this invaluable principle, the abodes of both rich and poor might be freed from physical taint, and the soil, its natural and proper outlet, enriched proportionately. The accession to human health and comfort, with the furtherance of public well-being, thus potentially realizable, is hardly to be told in words.

Very many of our poor have no other clothing than what they habitually wear. They have no change of outer garments, and commonly a scanty supply of inner clothing. Nothing is more frequent than to see poor men and women, returning to their homes, dripping with rain, and with no prospect of replacing their wet attire. They go out and in, during all weathers, with coverings ill suited to the ordinary exigencies of physical life. Very seldom has the poor man a great coat, or the poor woman a cloth pelisse. An umbrella they rarely carry. This deficiency is even observable with artisans, whose receipts are comparatively large; they even are wont to say, when pressed to procure little comforts, "We would rather not, for it may not always be in our power to obtain them." The fruits of this improvidence, too often the result of necessity, are seen in the great frequency of rheumatism, bronchitis, pleurisy, and feverish attacks, accruing more or less directly from inadequate bodily protection. In the youthful poor the consequences are especially disastrous, the majority of children dying in early life perishing from bronchitis, either as directly superinduced, or as occurring in the course of other diseases, owing to inadequate coverings. The deficiency in night coverings in especial is very great and very injurious. How is night ventilation possible, when there are not means to insure adequate bodily warmth? As many poor women go about without a flannel under-garment, so it too often happens that there are beds without blankets, or with such poor, meagre, shrunk, and threadbare things, as do not deserve the name. And even of

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these, the supply will too often be found reduced to a single one. However limited the rewards of labour, it is most undoubted that the imperfect culture of the faculties of self-providence and self-restraint lies at the root of very many of the physical distresses of the poor. They know little of the value of sums of money collectively. They pay high for what they procure, and, when it is procured, the slightest exigency, too often a craving for strong drink, leads them to part with it. To say nothing of the injudicious expenditure of money, the sums squandered by the poor in pawnshops, large and small, and public-houses, would not only go far, if so laid out, to place them above immediate destitution, but would furnish large prospective resources in the way of deferred annuities and life insurance.*

I cannot but think that public cooking-houses, like public wash-houses, would prove a great advantage to the poor. Such establishments subsist in various parts of France, and have proved of much benefit to the people. The French public cooking-houses sell to all comers wholesome viands well cooked at cost price; that is to say, at the cost of the materials, plus the cost of cooking. This, however, is reduced to a small tally, by the services of acting committees, who purchase by tender, keep the accounts, and see to the sales and cooking. In Zschokke's admirable tale of the "Goldmaker's Village," there is an account of a cooking-house of the kind which I here recommend. It is obvious enough that the purchase of provisions and fuel on a large scale, and cookery dealing with masses of material over one large fire, instead of a multitude of small ones, would yield a cheap and superior food-supply. In Berlin, some years since, the Government set up cooking-houses where an excellent soup or stew, made of meat, vegetables, and spice, was sold at three-halfpence the quart. In Paris, a speculator became rich through his enterprise, selling, I have heard, an excellent dinner, comprising a stew of meat and vegetables, a hunch of bread, and tumbler of wine, for threepence. Three hogsheads of wine, it seems, are emptied daily. The gains are not, perhaps, more than a farthing per head, but they have sufficed to enrich the speculator; nor must it be supposed that he furnished inferior fare. Sound meat, purchased by the carcase, wine in the wood, with bread of which the composition is regulated by the Government, and fresh vegetables, are the materials in which he deals. Exclusive of public cooking-houses, however, it is expedient that every woman, every poor man's wife, should understand the efficient, economical preparation of meat, fish, and vegetable stews, so as with bread and pulse, and the various grains, to secure the two pounds' solid daily sustenance essential to efficient life and action, without the risk of entailing disease or weakness for the want of adequate nourishment. The poor do not know how to prepare rice, or coffee, or chocolate, or rather the cocoa-bean, with other cheap and efficient articles of daily subsistence. The

* The Government Post Office Savings' Banks, if duly availed of, are likely to prove productive of enormous advantages.

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bread supplied to all classes is sadly unfitted for desirable uses. It contains too much water. It rejects the bran. Bread should be better baked. It ought to contain less water and less salt. It should be made of sound grain. The bran ought not to be rejected. Very many poor working people of both sexes now dine, not on meat and vegetables, and pulse and grains, washed down by pure water, and perhaps a little good wine or ale, but on a pasty, ill baked, watery white bread and tea. The results of such a regimen, wanting in azote, deficient in the earthy salts, in iron, and, above all, in variety, are soon visible in derangement of general and special function, in the impairment of bodily strength and stamina, and in the pallid anemic aspect of the persons condemned to such a regimen. How is it possible for persons addicted to white bread and a splash of tea thrice daily to maintain health and stamina? It is opposed to the requirements of the organism; it is opposed to common sense. The poor suffer sadly from deficient milk supplies, even in the Irish towns, and in a country above most others fitted to furnish unlimited milk food. The town cows are fed on chaff, grains, wash of any and all kinds calculated to secure abundant milk from poor, ill-cared for, and often diseased cows. Even when the milk is yielded by country-fed cows, the pump or the way-side fountain too often, I do not say always, supplements the infant's scanty provender and the nursing mother's watery cup of tea. Is it too much to ask that the materials of the working man's fare shall prove varied, wholesome, substantial, free from adulteration and of agreeable savour, adequate, in short, to enable him to perform his work in life without the risk of breaking down from debility or disease?

The great and standing evil, I conceive, in the condition of our town-poor is, that many of them, if they ever had it, have lost all desire for bettering their condition. The most potent, or among the most potent of the agencies which raise a man above himself and above his fellows, is the desire for self-improvement, self-amendment. If a man lose confidence in himself, who or what is to inspire him with it? The isolation in which masses of men now live, the isolation from what is excellent and what is good, is hurtful to their every interest. For the poor are indeed isolated from the rich, the ignorant from the enlightened, the unrefined from the refined; those who are excluded from goodness and excellence from those who are conspicuous for both. Adequate means are not taken to raise the poor from the slough. First and foremost, the poor man's dwelling, with all its surroundings, should be amended. His household state, his personal belongings, must be seen to. Above all, he ought to be brought into intelligent, loving contact with whatever is admirable in nature or art. There are various measures now before the public, the furtherance of which could not but prove beneficial. There should be free lending libraries in every locality of, say, a thousand inhabitants. I do not think that there is a free lending library in all Ireland, while there are few in either England or Scotland. Is the diffusion of knowledge of less moment than gas or water supply? Is

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there any police equal to that created by goodness and intelligence? Are not rates as justifiable for the furtherance of these as for the direct repression of vice and wickedness? Every town should be provided with its public baths, warm for winter, cold for summer. Warm-air baths, so beneficial in colds, chills, and rheumatism, could be cheaply erected everywhere, as under the able furtherance of Dr. Barter, who has already done so much to promote them. Each city should have its town-park. In Belfast, the whole space from the city to Holywood, now a noisome salt-water marsh, offensive to every sense, a standing disgrace to the inhabitants, should be reclaimed, planted with trees and flowers, and converted into a public park for the solace and recreation of the inhabitants for ever. The slopes of the Black Mountain and of Devis, easily and quickly accessible from the centre of Belfast by the New Crumlin Road, might also, at little expense, be converted into a town park, little, if at all, inferior to the Phœnix in Dublin and Arthur's Seat in Edinburgh. Museums embodying the wonderful in nature should be constantly open to the working man, his wife, and child, in every town. Galleries, replete with artistic copies of sculptured and pictorial excellence, and schools of art, of science, and of industry, ought everywhere to abound. Music is so great a solace, that the best means should be taken at once for the direct cultivation of this art, and for making the people acquainted with the works of the best composers. Why not maintain, at public expense, in every town, a town-band, as well as town-constables and a town-watch. Sunday and week-day, every possible facility should subsist for imparting health, recreation, and instruction to the people. The public galleries, the town-parks, everywhere open, every day of the seven, on the Continent to the people, and so gratefully and becomingly made use of there, afford a standing example to us to go and do likewise. For everything that raises man above himself, that points to the beautiful and the good, that leads the heart and understanding to the divine source of all excellence, is an instrument for bettering the condition of our kind.

Pawnbroking: its Pernicious Influence on the Social and Moral Condition of the Poorer Classes, with Special Reference to Scotland. *By* David Macrae.

There is probably no agency at work in our country so gigantic and so deadly in its influence, which is at the same time so imperfectly known, as pawnbroking. Usury in England was practised by the Jews alone, till some Lombards, settling in London, opened a few pawn offices in the street which goes by their name, and is still crowded with banks. The places where they piled up their heterogeneous pledges were called Lombard or "Lumber" rooms—a term thence applied to the odd rooms in our houses where the unused

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furniture and various odds and ends are stowed away. From this small beginning pawnbroking has grown into a huge system, and forced its roots into every populous corner of the land. In 1860, so far as is known, there were 1,549 pawnbroking establishments in England and Wales, 304 of which took in 1,040,856 pledges in January of that year.* Six millions of pledges are annually taken in by the Liverpool pawnbrokers alone; and the pledges annually received by the London pawnbrokers reach the enormous number of 26,000,000! † Kleson, in his "*Monts de Pietè*," reckons that more than 89,000,000 of pawn tickets are consumed by the trade in England and Wales.

In Scotland the rapidity with which this system has grown, and the proportions to which it has attained, are appalling. The first office was opened in 1806. In 1833 the one had become fifty-two, and within the five years following they increased at the enormous rate of 70 per cent., while during the same five years they had only increased 5 per cent. in London, and 10 per cent. in other parts of England and Wales. In 1810 there was but one pawn office in all the west of Scotland. Now, in 1861, there are eighty regularly licensed in the city of Glasgow alone, and I have here the duplicate of a ticket issued by one of the eighty on the 31st of May, of this year, bearing the number 5,603, and therefore indicating for this one office the enormous number of more than 67,000 transactions in the year!

I have the duplicate of another ticket issued by a pawnbroker in Pollockshaws, a small town in the vicinity of Glasgow. The history of the ticket is this:—The wife of a most respectable man, a book-keeper in Glasgow, but staying at Pollockshaws, fell into dissipated habits, and supplied herself with the means of buying whisky by putting articles of furniture and clothing in pawn. Within little more than a year she pawned about two hundred articles, including the clothes of her five children, and thus reduced the family from comparative affluence to absolute beggary. One Saturday afternoon her husband took his eldest boy with him from Glasgow to spend the Sunday at home. On reaching his house he found the door locked against him. He forced his way in only to find his house stripped, his hearth black, and his wife lying in a beastly state of intoxication on the floor. I was at the Fiscal's house that evening and saw the poor man come there, broken-hearted like, leading his boy in one hand and carrying in the other a bundle of pawn tickets he had found on a shelf. These, and others afterwards found in the house, numbered 126, twelve of them bearing the date of one day of awful dissipation!

One of these tickets, a duplicate of which I have here, was issued at Pollockshaws, on the 28th of January, of this year, and bears the number 3,934, indicating for the office that issued it about 48,000

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* Returns of Executive Committee of the Trade Association for promoting Pawnbroking Reform.

† "*Monts de Pietè*," by Chas. Kleson, London.

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transactions a year; and though we allow to the other pawn office in the same town little more than half this business, we shall have 80,000 pledges lodged with these two pawnbrokers every year from amongst less than 8000 people!

In Greenock, fourteen pawnbroking establishments have sprung up, which received in one month (January, 1860) 46,139 pledges! The other towns in the west of Scotland (Paisley, Ayr, &c.) do business proportionately. In Glasgow there are large machine presses employed in throwing off pawn tickets, which they are capable of working at the rate of 5000 an hour, and at least one printer is believed, on good grounds, to be actually supplying these tickets to the trade to the extent of from ten to fifteen millions a year. The printer declines to give any definite information. Reticence of this sort is a difficulty that meets the inquirer at every step. Those who resort to the pawnshop think it as well for their respectability to profess entire ignorance—and it certainly is. The printers decline to state how many tickets they produce: the pawnbrokers decline to state how many they consume—indeed, screen their traffic on every side from the public eye, with nervous and most suspicious jealousy.

It would be well that full annual returns from the whole trade were called for. To know the number of pawnbroking establishments, the full extent of their business, the places where and the classes from which they draw their principal nourishment, the proportion of forfeited pledges to those redeemed, high and low pledges separately, the nature of the pledges and their marketable value as compared with the sums lent on them, and the price got for those forfeited and sold, the number of cases of theft, housebreaking, and robbery tried in our various police and criminal courts with which pawnbrokers are mixed up,—such statistics would allow the public to see what this stupendous system is about, and help to determine whether pawnbroking is doing, or is fitted to do, the good some say it does, or whether it be (as others declare it is) a monstrous and almost unmitigated evil.

Before considering its effects, let us glance at the *modus operandi.* At the corner of a low, crowded thoroughfare stands a huge, dingy tenement, displaying three golden balls, and intimating that "money is lent within on watches and plate, table linens, bed and body clothing, books, &c." The entrance is by a back close round the corner, where people may steal in unobserved, or march in boldly as if they had business in the store beyond. Let us follow this dissipated-looking man who has stripped off his waistcoat in the next gateway, and is going to raise enough on it to let him have something to drink. He enters the close, and a flight of stairs leads him up to a passage flanked on one side by a row of narrow doors. He opens one and passes in, the spring door shutting behind him. He is now in a place like a sentry-box, with a high wooden partition on each side of him, encroaching about half-way across the counter, and thus concealing him from the other customers, and they from him. This arrangement is convenient for those who are ashamed, or have

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reason to be afraid of being seen; but unscrupulous pawnbrokers are known to take advantage of it in extorting from the poor more money for interest, tickets, and affidavits, than the law allows, because they cannot be convicted except on the oath of two witnesses. These boxes should be done away with. The counters at the Parisian *Monts de pietè* are open. The premises into which the box looks are large, and fitted up with high wooden racks crammed from floor to ceiling with bundles of the bed and body clothing of the poor. In 1836 a Glasgow pawnbroker had the frankness to disclose to Dr. Cleland the number and nature of the pledges lying at the time in his establishment. They embraced the following:—

Body Clothes.			Bed Clothes.		
Men's coats	539		Brought forward		4,725
Vests	355		Bed ticks	84	
Pairs of trousers	288		Pillows	108	
Hats	60		Pairs of blankets	262	
		1,242	„ sheets	300	
Women's gowns	1,980		Bed covers	162	
Petticoats	540				916
Wrappers and duffles	255		**Miscellaneous.**		
Pelisses	90		Table cloths	36	
		2,865	Umbrellas	48	
Pairs of stockings	84		Bibles	102	
Silk handkerchiefs	240		Watches and rings	420	
Shirts and shifts	294		Waterloo medals	48	
		618			654
Carried forward		4,725	Total		6,295

Here the bed and body clothes are nearly nine times more numerous than all the other articles put together. A gentleman practically acquainted with the pawn traffic assures me that, in the poorer districts, the pledges consisting of bed and body clothes so vastly preponderate that the others are hardly worth reckoning at all. If, in the absence of other data, we reckon from these figures, though they are probably much below the average, we shall find that in the pawn offices of Glasgow alone there are piled up in all weathers 451,280 articles of bed and body clothing, including more than 20,000 blankets; and in the pawn offices of England and Wales, 8,736,909 articles of bed and body clothing, including more than 400,000 blankets! It makes one shudder to think of the fearful amount of bodily suffering which the absence of these, during the rigour of such a winter as last, must entail on the tens of thousands of poor to whom they belong. It is easy to see the reason of these clauses in the Mosaic law:—"If thou lend money to a poor man thou shalt not lay upon him usury: nor shalt thou take a widow's garment to pledge. And if a man be poor thou shalt not

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sleep with his pledge. In any case thou shalt deliver it to him again when the sun goeth down." * The bodily suffering and degradation attending the want of clothing will always be an argument against lending money on personal effects, whether the trade be in the hands of individual pawnbrokers or of Government.

But the pawnbroker is now ready to attend to the man with the waistcoat. The man wants a shilling; the pawnbroker beats down to sixpence, because he can charge as much interest on sixpence as on a shilling or half-a-crown. He makes an entry in his book, wraps up the waistcoat and tickets it, gives the man a duplicate ticket with the money, and the transaction is completed. Should the man return in the evening, when he draws his wages, he can have his waistcoat back by repaying the money, with interest on it at the rate of 2,600 per cent., paying as much for a day's loan of the money as for a month's.† Should he not redeem it within a year it will be sold; and though it may bring four or five shillings he has no claim, and the pawnbroker pockets it all. All low pledges—*i.e.*, pledges on which less than ten shillings has been lent—share the same fate if unredeemed within a year; and in this way vast quantities of the clothing of the poor are cruelly confiscated, with very disastrous consequences.

Let us now look more definitely at the influence of pawnbroking on the poorer classes. I have already remarked that the reticence of pawnbrokers and their customers hides the extent and character of this traffic from the public eye. I have now to remark, that the part it plays is such, that however formidable the results may be, their organic connexion with pawnbroking is apt to pass unobserved.

Thus, Alexander Hutcheson is tried at Dundee for the murder of his wife. The jury recommend mercy on the ground of the strong provocation given by the woman by and during her drunken fits. But only those who ask themselves, "How could she get drink if the man kept his wages out of her hands, and proclaimed himself irresponsible for her debts?"—can see the terrible significance of the following evidence elicited in the course of the trial:—

"Margaret Crockatt deponed—The deceased was much addicted to drink. The prisoner has frequently left his clothes in our shop to prevent them being pawned.

"Euphemia Baxter deponed—My aunt (the murdered woman) was in the habit of pawning the prisoner's clothes and furniture for the purpose of procuring drink; and she was tried and imprisoned for stealing articles from our house and pawning them."

Again, a boy is found in an open close on a winter morning frozen to death, and people say, "What dreadful weather! Poor child!" and do not know that the boy died because his drunken mother had

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* Exod. xxii. 25—27, and Deut. xxiv. 12, 13, 17.

† This casts no reflection on the pawnbroker. Such are the expenses of his business, that petty transactions, which are most ruinous to the pledger, are least profitable to him.

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pawned the blanket and the clothes that ought to have kept him warm.

A woman dies of *delirium tremens* in the Vennel, in Glasgow. Her house is found absolutely bare. Her child, in small-pox at the time, is found lying naked on some rotten straw; and people sicken at the heartlessness of the woman, and deplore her drunken habits, and wonder that nobody had compassion enough to give her some clothes, at least for the child. They do not know that the woman was earning good wages, had furniture enough a little time before, and got in charity clothes enough for herself and a dozen children, but that these only fed the flames, for as fast as she got them she converted them into money for drink at the pawnbrokers.

A man dressed like a farm servant is found concealed in a stable-yard, in the parish of Houston. He has broken open several of the servants' clothes chests, and pawn tickets are found upon him to connect him with several daring burglaries. John Delvin's house is entered by the police, and a quantity of stolen property discovered; also eighty pawn tickets, including nearly fifty that relate to gold and silver watches, all stolen, and pawned at a neighbouring pawnbroker's. Young women are brought up before the magistrate on the charge of embezzling pieces of work given out to them from warehouses; boys and girls are brought up charged with stealing books, doormats, workmen's tools, clothes from railings and washing-greens, and other articles of no use to them personally, but which have been readily (it may be unsuspiciously) converted into money by the pawnbroker. Yet few seem to reflect that, but for a traffic (like pawn or low broking) to transmute such goods into money, there would be no temptation to steal them, and that the assertion so forcibly made by Mr. Levy, the Edinburgh detective, is as clearly a dictate of reason as of experience:—"The resetter makes the thief." *

Finally, some depression in trade throws multitudes of people out of employment for a time: and instantly there is a cry of starvation; the poor-houses are crowded, the country and suburban roads swarm with fresh beggars; girls, goaded by want, take to the streets; and even the prisons begin to fill with criminals of a new class. People naturally wonder that men and women previously earning good wages should no sooner be thrown out of employment than they find themselves in want. Only those who take the trouble of searching for the cause find out that thousands upon thousands of the working-people, earning twice and three times as much as is needed for their support, are tempted to live up to and even beyond their means because the pawnbroker promises to float them over any temporary difficulties that may arise, by loans on their personal effects; and

* In 119 cases of theft (other than of money and provisions) tried before the Sheriffs of Lanarkshire, in the lower ward, in the year 1860, 106 pawnbrokers and brokers were in the lists of witnesses and in last Glasgow circuit, 18 in 28 such cases.

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therefore that even in their palmiest days they are walking on the very brink of poverty.

Thus, though people witness with grief and alarm the prevalence of improvidence, of moral and physical destitution, drunkenness, and theft, they do not see how much of all this would not—nay, how much of it could not—exist but for the readiness with which anything a man has, or can borrow, or steal, may be converted into cash at the pawnbroker's or broker's. It needs personal investigation. Still more, it needs inquiries by and through men whose business makes them intimate with the condition and habits of the poor, and who at the same time have no motive to deceive—men such as superintendents of police, governors of reformatories, missionaries, clergymen, and schoolmasters, in poor districts. And lest it should seem that my statements are rather hasty generalizations than the sober dictates of reason and experience, I shall now lay before you a few of many official testimonies of great weight, selecting the passages that epitomize their statements.

The Governor of the Glasgow Reformatory says:—"But for the 'pawns,' thousands of homes would not be the dreary dens they are; nor would so many of our children find their way into the jail. There is no cause more prolific in the production and perpetuation of juvenile crime. The whole system of pawnbroking needs revision. Not one in a thousand has any conception of the monster evils it inflicts, as at present conducted, on society."

The Matron to the Glasgow House of Refuge for Females gives several cases, and adds, "These are a few—alas! not the worst—of the numberless cases I could give where the pawnshop has lent its aid to the utter ruin of the poor girls who seek admission into this house."

The Superintendent of Police in Dumfries says:—"Stolen goods are frequently found both in pawnbrokers' and brokers' shops. I am of opinion that the traffic carried on in these shops gives great encouragement to thieves, by offering a ready-money market for stolen property."

The Superintendent of Police in Paisley says:—"My experience in the detection of crime for the last fifteen years warrants me in saying that in nine-tenths of the thefts committed by juveniles, the property finds its way into brokers' and pawnbrokers' shops, so that were it not for their existence and the facilities they afford for the disposal of every conceivable species of property, juvenile delinquency would almost cease to exist. The same remark is equally applicable to adults commencing a career of crime." These remarks are especially applicable to low brokeries.

The Superintendent of the Ayr Police says:—"I have often wondered how the system of broking and pawnbroking could have so long escaped the attention of the Legislature, as I do not know of any other trade so pernicious to society so inadequately guarded against. It encourages drunkenness and crime, especially among females, and youths of both sexes. These pawnshops and brokeries are made the receptacles of stolen property."

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Clergymen of long experience in home-mission work have stated as a conviction strengthening every day, that "cases in which people are driven by necessity to have recourse to the pawnbrokers are not one to a thousand of cases where it is from sheer improvidence, or love of drink."

A missionary in Glasgow has known women strip the bodies of their dead and pawn the grave clothes to get drink.

Dr. Guthrie, writing on the 10th of February, 1861, says :—"You could not possibly have a stronger opinion against pawnbroking than I have. When I had more to do than I now have with the low and lowest classes of the people, I used to consider their ruin accomplished whenever they turned their steps to the pawnbroker's. All that remained was a work of time; but they were on the rail, and ruin of all that was precious and promising was the *terminus ad quem.*"

The City missionaries of Edinburgh and Glasgow have drawn up statements of the effects they find pawn and low broking producing in their districts. Those who are aware of the opportunities these men have of discovering what agencies are elevating and what agencies are degrading the classes they work among, will feel the force of the fact, that they unanimously and unhesitatingly denounce pawnbroking as (to use their own words) "one of the most powerful, degrading, enslaving enemies with which they have to contend."

Schoolmasters in poor quarters of the city tell me, that parents, tempted by the facilities for raising money on pledge, live up to their means; and whenever there is a call for money, owing to sickness, accidents, loss of work or dissipation, they pawn their children's clothes, thus preventing the children from attending school, and allowing them to pick up their morals in the streets.

Governors of poor-houses tell me that they have to stamp the paupers' clothes to prevent them from being pawned; and that clothes given out in wintry weather are in a vast number of cases pawned for drink.

Finally, the pawn office stands in direct antagonism to the savings' banks. Like a upas-tree, it so taints the moral atmosphere around it that religious and other benevolent agencies can scarcely live in it. In statistics published in 1856 by the Glasgow City Mission, which divides the poorer quarters of the city into fifty-four districts, it appears that in ten of those abounding "in miserable houses, some of them unfit for hogs, numbers consisting of single or double rooms, where two, three, or four families all huddle together," the following appear as the proportion of savings' banks to public-houses and "pawns" licensed and unlicensed:—

90 "Pawns,"
174 Public-houses,
3 Savings' Banks!

It seems, then, that the pawn traffic is working infinite mischief. It degrades masses of the people, destroying their self-reliance and therefore their self-respect. It materially retards the religious,

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moral, and educational training of the poorer classes. It leads to destitution, drunkenness, and crime.

But many, while admitting all this, argue that working men, met by unlooked-for difficulties, have been able, by borrowing money on their personal effects, to escape destitution. Granted. But is it enough to justify the perpetuation of a system, that it rescues one man from destitution while dragging a hundred into it? And that pawnbroking does infinitely more harm than good, no one who calmly looks into the evidence will deny. The very vice of improvidence of which it professes itself the necessary antidote is in an incalculable degree bred and fostered by itself.

Many a man has grown up with the idea that when provisions are high and wages low it would be impossible for him, without the aid of the pawnbroker, to keep the wolf from his door. The impression is false. First of all, the amount a working man can raise on his personal effects is very limited—a few pounds at the most; and when these are spent, he is reduced to absolute destitution. I have asked many persons who have spent their lives labouring amongst the poorer classes if they ever knew an honest thrifty man unable, in times of protracted difficulty, to borrow as much on his personal security as he could on his personal effects. The answer has invariably been, "Never." The fact is, emergencies that would soon beggar a pawn-frequenter only show the provident man how highly he is valued. His habits are known, and shopkeepers supply him on credit. Persons from whom he never looked for aid help him over his difficulties in many ways. Society can ill afford to let a provident man go down, and it hardly ever does.

But it is demonstrable that even the man hitherto improvident could dispense with the pawnbroker's help without pinching himself any more than he is actually doing. When he puts his effects in pawn, he is either to redeem them or he is not. If he is to redeem them, he can only do it by saving as much money as he borrowed, that is, as much as was needed to float him over his difficulties. The same amount of surplus money applied to provision for the future instead of payment for the past renders him independent of the assistance of the pawnbroker. If he is not to redeem his goods, he had better sell them, because he can get more for them than on them. Therefore, whether a man redeem his pledges or not, the assistance of the pawnbroker is unnecessary.

What is necessary is not pawnbroking, but frugality. I have heard some reformers speak as if higher wages alone were needed for the elevation of the poorer classes. But, without frugality, higher wages only lead to more reckless expenditure. The City missionaries expressly declare in their statement that it is generally those who have good weekly wages that keep themselves in greatest poverty. A clergyman in Glasgow tells me that his missionary, calling lately upon a man and woman in his district, found them preparing to go to the pawnshop with the grate, the last article not already there. Yet they were earning at the time 29*s.* a week.

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I have heard others among the improvident poor inveigh bitterly against our social organization as the cause of all their sufferings. It is a great mistake. If the working man is to better his condition, the change must begin within him. No gigantic revolution is needed; no gigantic revolution would serve the purpose. Though society were upheaved from its very depths, and all orders of men mixed confusedly together, the laws of nature remain immutable, and from out the chaos the provident man must rise to the surface, and the improvident man must sink.

A man so poor that he cannot save something is scarcely to be found. Paying as he goes is itself a saving; and if this plan were universally adopted, almost everything could be sold at a lower price than it is. But a man can do more. I do not mean by pinching, for true economy consists not in hoarding money at the expense of one's comfort, but in saving money to increase one's comfort and to secure it. Many a man who thinks himself miserably poor throws away a good deal of money in pence and halfpence and odd sixpences; and what a man can afford to throw away he can afford to save. Indeed, many a one would willingly save these odd sums if he thought any good would come of it. But he does not think how rapidly they accumulate into large sums. He sees others, once poor as himself, now risen to comparative affluence; but he does not know that their resources originated in, and long depended on, minute savings, such as are within his own power. He cannot think that the water flowing down the hill in copious streams ascended in imperceptible vapour. One would suppose that the little ragged children who bake mud pies and disport themselves in the gutter finger as little money as any class in the community; yet about one hundred and eighty of them belonging to a ragged school near where I live accumulated £100 within three years. I know persons in humble circumstances saving from five to twenty-five pounds a year who thought, before they fairly tried it, that they could not spare a penny. It needs only a beginning. The savings' bank has been the gateway to many a competence and many a fortune. It is the proper substitute for the pawnshop.

I would therefore suggest the formation in all our principal towns of associations for carrying out to its full extent the system of penny savings' banks as a most needful supplement to that system which is destined, I believe, to work a gradual but a glorious change in the habits of the people—Mr. Gladstone's system of Post Office Banks. Thousands who would not lay by for a Post Office Bank would deposit their odd coppers in a bank opened in their place of business; and thousands who never have an odd shilling have often an odd penny. The proposed associations could, by getting penny banks opened in connexion with churches, schools, public works, factories, warehouses, and wherever else sufficient local security could be obtained, also by lectures, tracts, annual sermons from the ministers, and other means, so promote frugality, that pawnbroking, if it did not die a natural death, would inevitably, when the pretext of

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furnishing a resource to the improvident could no longer be urged, show itself an unmitigated and no longer tolerable curse.

Along with these social measures, others of a legislative kind might be advantageously adopted with the view of diminishing this demoralizing trade. Pawnbrokers should be licensed like low brokers, not by the Excise, but by the magistrates, who are in a condition to learn how the business is conducted, and when licenses ought to be refused or revoked. Finally, the imposition of a stamp duty on pawn tickets, without permission to the pawnbroker to exact higher interest than at present, would, by the acknowledgment of the pawnbrokers themselves, sweep away by one mighty stroke the half of their enormous business—the very half, as is well known, which is fraught with the most disastrous consequences to the people. The abstract principles of free trade are carried to a dangerous extreme when they are made to interfere with higher principles. In their application they must be, they always have been, modified by circumstances. The sale of unwholesome meats and the sale of poisons have been advantageously interfered with because they were found (to an extent infinitesimal when compared with pawnbroking) detrimental to the public weal. Still, it is to social rather than legislative measures that we must look for the extinction of this pawn traffic.

Character of Working Class Association in England and Italy. *By* S. Craufurd.

As the social condition of the working class becomes a subject of wider study, it becomes one of greater interest. For a long period their history was a dead level of mere inorganic life. Then patches of verdure appeared here and there, in the shape of efforts after material prosperity and protection of trade interests. Guilds, lodges, and other associations sprang into existence for the purposes of mutual protection and pecuniary assistance. Afterwards, what were called unions arose—"trades unions" they came to be named—the objects of which were to keep trades exclusive, to fence off intruders, and latterly to keep up wages, and lastly to raise them. Setting aside the wisdom, or prudence, or justice, of the methods from time to time adopted to secure these ends, it must be admitted that the ends themselves denoted the rise of an intelligent perception of working class interests, and even of moral duties. But if we extend our view from England to the Continent, we shall find higher aims and more national objects cropping up. In Italy, for instance, associations of working men have begun to use the loftier language of duty, where in England, under the same circumstances, we only hear the hard language of right. The trades unions of England seek increase of wages; they talk of private interests, but rarely in a tone of public spirit, or with regard to national character. The public reputation of the working class is seldom adverted to in

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the laws of these societies. One publication has just started into existence which takes this tone,* but the novelty of it shows the rarity of the thought. Masonic Lodges, Odd Fellows societies, and kindred friendly associations, are partly convivial and partly provident and benevolent in character. They promote sociality and fraternity; they seek to give support in sickness, and assistance to survivors at death. These objects are useful, but their sphere is private. The only way in which any public sentiment is ever betrayed is in reference to the fact that these societies place their members above the necessity of receiving parochial relief. But this is little referred to as a reason why new members should join. The fact is chiefly dwelt upon in defence of these societies when they are menaced by some parliamentary measure, or when they seek some parliamentary assistance or protection. The sentiment of national pride in independence of Poor Law assistance, the importance of working men as a body maintaining a high position in respect of self-support, is made very little of in public addresses by the leaders of these associations. The trades unions of Great Britain have no public object. It has been suggested that trades organizations might be used for political purposes; but it has never been done. What might have been expected, namely, that the policy of trades union movements would be regulated with regard to the political and public reputation of the working class, as a body, has in only a very limited degree been manifested. Private interests have been everything, public character scarcely anything. No doubt this will change for the better before long. Mr. Ruskin's brilliant and impassioned writings on art, which have done so much to inspire industry with lofty aims, will yet serve to raise the English workman above the low level of mere trade interests and considerations. The only class of artisans in England who manifest higher sentiments, approaching those displayed by working men in Italy, are the co-operators. The leaders of this movement have always placed public objects before them. The most distinguished and successful of these societies, that of Rochdale, sets the example of devoting a portion of its funds to educational purposes. The object of these directors of co-operation was not only to benefit their members pecuniarily, but to raise the position of their order. The co-operators intend to take part in the government of the country; their object is not merely to create, but also to distribute wealth, and to render the working class self-supporting and self-controlling. They contemplate the organization of labour, and the public moral influence of industry. They stand alone among working men in England as having wholesome public ambition.

In France there has been mixed up with all trade societies a considerable element of theoretic and public sentiment. Sometimes it has been melodramatic, and often coercive in spirit; but, with all its errors of method and inflation of aim, it deserves respect for public

* *Weekly Wages*—a paper published in Manchester.

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spirit. There is no permanent life in a nation until the common people have national aims and regard to the opinion of the higher classes; until the order of industry looks to reputation as well as the order of property.

Some efforts at industrial association among the Italian people are full of hopefulness, and not without instruction to artisans at home. The Association of Genoese Workmen have lately drawn attention to the duty of the Italian Government intrusting all public works to Italian workmen. In this they have been seconded by the Society of Turin and Bologna. The Genoese Association of Workmen have sent a circular to their brethren, in which they express their desire that Turin, Genoa, Milan, Leghorn, Florence, Naples, and Palermo, may become the centres of manufactures and of mechanical establishments that may emulate foreign countries, as well in the precision as in the rapidity of the work and in the moderation of the prices. In this intention we recognise the workman taking that tone of national pride in his work usually restricted in other countries to employers. From this circular we may quote one passage remarkable for loftiness of spirit, and which illustrates the qualities of mind so often deficient among English working men's manifestoes. The Genoese working men say, "Material well-being is not the supreme purpose of the Italian workman. Beyond his daily earnings and the satisfying of his daily wants there is the ideal of duty, the moral interest, the education of the intellect and the heart." Following the expression of these noble thoughts, which give to industry the sacredness and dignity of a religion, these Genoese workmen go on to show that they are not insensible to the material improvement of their families, but that this is not all, and that with that they connect yet higher aspirations. They add, "With the enlarged means of an honourable sustenance of labour widely distributed, the workman will be able to obtain for himself and for his children blessings that easy circumstances do not always bestow, and our societies that are now withering for want of incomings and of instruction will become a real instrument of decorous and free civilization."

Manifestoes of this description are worthy of some public notice. An inquiry into the tone and spirit in which working men's societies are conducted in Great Britain and abroad would be of great value. Our countrymen are not less deficient in noble sentiment than the workmen of any other country, but they have been deficient in public teachers to suggest to them their highest capabilities. The study of this subject, and the inquiries to which so faint a notice as this may lead, will no doubt end in showing that English workmen are more advanced than they are supposed to be. There are none of us who will not rejoice at this result. In the meantime, it is useful to record facts which are ascertained with respect to trades organizations in Italy. Associations of working men acting in the spirit of which examples have been given have spread rapidly in the cities of Tuscany, Lombardy, the Romagna, and Southern Italy. That of Naples already counts more than 1,200 members; that of Bologna,

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2,700. All these appear to have been organized in imitation of the one founded many years ago in Genoa by Mazzini, whose important writings on association are little known to Europe, but are well known by their fruits in Italy.* But enough perhaps, for this occasion, on the general subject of this brief paper. The writer does not affect to treat the topic so much as to suggest it for treatment. Studies in comparative anatomy and comparative grammar have a definite, a special, and well-known value. Studies in comparative association may not have less use or less interest if followed up; certainly it would afford new light and high instruction to the working classes of our own country.

INDUSTRIAL EMPLOYMENT OF WOMEN.

The Condition of Working Women in England and France.
By Bessie R. Parkes.

During the last two years we have seen a great public effort made towards relieving the difficulties of a special class of women—educated women who need a livelihood. And by dint of discussion the subject has been so thoroughly ventilated, and by dint of exertion so many plans have been tried with more or less success, that we may be fairly said to have attained to something like a reasonable hope of abolishing the evil in a due course of years, more particularly since public opinion is steadily directing itself to what is by far the truest remedy—a well-organized, widely-diffused, and persistent system of emigration.

Although, therefore, the necessity of action has not diminished, but still exists, and will do so for many years to come, we may consider the necessity for talking and writing in general terms about this particular class of the feminine community to be at an end. We must all work, but those who are willing to help now know where and how to apply.

Leaving, therefore, this difficult and much-vexed question wholly on one side for the time, I ask you to consider with me one which is much wider—which may indeed be said to include the first, and which I believe to be the most important social question of modern times, inasmuch as turn where we will it meets the social reformer on every side—I mean the change which the last century has brought about in the condition of the working women of England and France. I couple the two countries together because they essentially represent all that is implied in modern civilization, its benefits and its evils, in an almost equal degree; for if England

* The Naples Association was founded by Mazzini himself during his short residence in that city, then under the dictatorship of his friend Garibaldi.

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has in some respects an advantage in the race, be sure that France is pursuing with giant strides, and that her capitalists and her workpeople are fast becoming the duplicates of our own.

Every one agrees, to judge by the incessant reference to it in the newspapers, that there is a certain phase of European life, peculiar to our generation and that of our fathers, which is so distinctly marked that it is indeed modern civilization. Some years ago, when Charles Mackay's songs were popular in the streets, it was generally said to be the dawn of something quite new and splendid in the earth's history, the immediate herald of "the good time coming," but a strong reaction has taken place towards an appreciation of mediæval times; Mr. Ruskin, Mr. Froude, and a host of lesser men, have done battle for the Dark Ages, and it is now generally conceded that Venice, Florence, and Holland, possessed in their palmy days a very respectable civilization of their own.

Whether, however, it be a marked growth, or only a marked change, it is evident that our ways are not as their ways, and that an immense increase of products, and a striking uniformity in what we produce, together with a constantly extending diffusion of material and intellectual goods, are the characteristics of the age of steam. England and France show them in every department of their public and private life, and the treaty of commerce, when once it comes fairly into play, is destined to increase them greatly, by stimulating each country to enormous production of its own specialities, so that all France, unless it goes to bed by gaslight, will probably adopt Birmingham candlesticks, and our Queen's subjects will more than ever be ruled in their costume by the fiats of Lyons and Paris for the year.

Now the point to which I am coming is the *price* at which this great European change has been accomplished: the price which has been silently levied in every manufacturing town in both kingdoms, the great revolution which has been so little noticed amidst the noise of politics, and the clash of war—the withdrawal of women from the life of the household, and the suction of them by hundreds of thousands within the vortex of industrial life.

Perhaps you will attach more importance to what I say if I observe, that I have only very gradually become aware that this tendency pervades all the social economy of our time. Figures alone do not always impress the imagination; so many women in the cotton trade, so many in the woollen, the mind loses its track among the *oughts*, just as the savage gets bewildered beyond his own ten digits. But in thinking of governesses, and why there seemed to be such an inexplicable amount of suffering in that class, I have been brought face to face with these wider and deeper questions, and have seen that their actual destitution, though specially the result of overflowing numbers, is but part of a general tendency on the part of modern civilization to cast on women the responsibility of being their own breadwinners, and to say to them with a thousand tongues, "If thou wilt not work, neither shalt thou eat."

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Look at the present constitution of Lancashire life; suppose the American war hinders the supply of cotton to such an extent that, before we can reckon on supplies from our Indian Empire or elsewhere, the mill hands are thrown out of employ, *who* will be thrown out of employ? Who are at least a majority of the total of the workpeople? Women and girls. You know what it is in Lancashire: those miles upon miles of dusky red dwellings, those acres of huge factories, those endless rows of spinning and weaving machines, each with its patient industrious female "hand." If a catastrophe falls on Yorkshire, and the chimneys of Bradford or Halifax cease to smoke, who are they that come upon the poor-rates or hunger at home? Women and girls. I was told in Manchester, by one of the most eminent and thoughtful women in England, that the outpouring of a mill in full work at the hour of dinner was such a torrent of living humanity that a lady could not walk against the stream: I was told the same thing at Bradford, by a female friend of my own. In both instances the quitting of the mill seemed to have struck their imaginations as a typical moment, and they spoke of it as something which once seen could not be forgotten.

At Nottingham and Leicester, which I have visited this spring, the women are so absorbed into the mills and warehouses that little is known of female destitution. In Birmingham, where vast numbers of women are employed in the lighter branches of the metal trade, they may be seen working in the button manufacture, in japanning, in pin and needle making. In Staffordshire they make nails, and unless you have seen them I cannot represent to your imagination the extraordinary figures they present—black with soot, muscular, brawny—undelightful to the last degree. In mines they are no longer allowed to work; but remember that they did work there not so long ago, taking with men an equal chance of fire-damp and drowning, even being sometimes harnessed to the carts if poor patient horses were too dear.

I read the other day of a whipmakers' strike, which took place because women were being introduced into a branch of work for which men had hitherto been employed; but perhaps the most impressive thing which ever came to my immediate knowledge was the description in a small country paper of a factory strike, in which a prolonged irritation existed between the hands and the very excellent firm owning the works. There were letters and speeches *pro* and *con;* placards on the walls, and a liberal expenditure of forcible Saxon language. Now, who were those hands "out on strike?" these people who made speeches, gathered together in angry knots at the corners of the streets?—Women!

After this, may I not say, that on no small body of ladies in London, on no committees or societies trying to struggle with the wants of the time, can rest the charge of unsexing women by advising them to follow new paths, away from household shelter and natural duties, when a mighty and all-pervading power, the power of trade, renders the workman's home empty of the house-mother's

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presence for ten hours a day, and teaches English women the advantage of being "out on strike."

For it is clear, that, since modern society will have it so, women must work: "weeping," which Mr. Kingsley regards as their appropriate employment, in fishing villages and elsewhere, being no longer to the purpose. I do not say that these myriads are, on the whole, ill paid, ill fed, sickly, or immoral; I only wish to point to the fact that they are actually working, and, for the most part, in non-domestic labour;—labour which cannot be carried on under a husband's or a father's roof. And recognising this apparently hopeless necessity, I believe it to be just and advisable that printing and all such trades be fairly thrown open to them; for we have to do with hunger and thirst and cold; with an imperious need of meat and drink, and fire and clothing; and, moreover, as trade uses women up so freely whenever it finds them cheaper than men, they themselves have a just claim to the good along with the evil, and, being forced into industrial life, it is for them to choose, if possible, any work for which their tenderer, feebler physical powers seem particularly adapted.

Let us now turn to France. It is two years since I was in Lyons, and with the introductions of M. Arles Dufour, one of the leading merchants and most enlightened economists of France, visited several of the *ateliers* (workshops) where not more than six women are employed in the silk-weaving, under a mistress, or where sometimes the family only work among themselves. The conditions of this manufacture are very peculiar, the silk being bought by the merchants and allotted to the weavers, who bring it to the warehouse in a finished state, so that there is a singular absence of the bustle of English trade; there is comparatively little speculation, and in many ways the work is conducted in a mode rendering it easy for the female workers.

Little by little there rises, however, a tendency to an industrial change. This subject is amply and eloquently discussed in those remarkable articles, from the pen of M. Jules Simon, which appeared in the *Revue des Deux Mondes*, and which are now gathered into a volume entitled "*L'Ouvrière*," (the workwoman.) He believes that the greater production which steam power creates will gradually tempt the Lyonese merchants to turn into master manufacturers, destroying the *ateliers* and the family work in common. At the time of my visit I only heard of one establishment actually in work on a large scale, and that was some miles out of the town, and had been created chiefly on a religious and charitable basis; that is to say, the young female apprentices are bound for three years, and are under charge of a community of religious women; but M. Simon mentions three principal houses of this kind, and alludes to others. Adult workwomen are also received, being bound for eighteen months. The moral advantages of the surveillance exercised over the girls is apparent in the fact that they are more readily sought in marriage by respectable workmen than girls apprenticed in Lyons; yet the

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gathering together of numbers is surely, in itself, to be regretted, as paving the way for the adoption of the same principle for the mere sake of economical advantage. While families, however, eagerly seek the shelter for their daughters, the masters make no profits, because they are conducting business in a manner at variance with the habits of the surrounding trade; which instantly retrenches in an unfavourable season in a way which is impossible to a great establishment with an expensive plant.

The very same idea is being in this year of 1861 carried out in the French colony of Algiers for the first time. As I was an eye-witness of its commencement, in the month of January last, it may be of use for me to relate in what way—half-economical, half-charitable—the germ of a vast system of female industry may spring up. About three miles from the town of Algiers is a ravine of the most beautiful and romantic description, called from some local tradition "*La Femme Sauvage.*" It winds about among the steep hills, its sides clothed with the pine, the ilex, the olive, and with an underwood of infinite variety and loveliness. Wild flowers grow there in rich profusion, and under the bright blue sky of that almost tropical climate it seems as if anything so artificial and unnatural as our systems of industry could hardly exist for shame; yet in that very valley young female children are at this very moment, while I speak and you listen, winding silk for twelve clear hours a day!

The conditions of the case are as follows:—Considerably nearer the town is a large orphanage, containing about 400 children, under the care of the sisters of St. Vincent de Paul. Many of them are half-castes, others the poorest dregs as it were of the French population; and they are exactly the same material as in England or Ireland would be drifted into workhouses. Of course, in a place like Algiers, of limited colonial population and resources, it is no easy matter to find a profitable occupation for 400 orphan girls, and therefore when M. Redon, (the very same gentleman who had organized M. B——'s factory near Lyons,) set up a silk-winding mill in *La Femme Sauvage*, the Algerine Government, which pays a considerable sum towards the support of the orphanage, were glad to apprentice thirty girls to M. Redon, to be bound from the age of thirteen to that of twenty-one and to work, according to the usual conditions of French industry, twelve hours a day. The work consisted of winding the raw silk from the cocoon, by hand, aided by a slight machinery, and then in another part of the factory spinning it by means of the ordinary apparatus into skeins of silk ready for the market of the Lyons weavers. Three Sisters of Charity accompanied the children, and were to superintend them at all times, in the dormitory, the dining-room, and on Sundays, their only day of recreation. When the thirty apprentices were duly trained, M. Redon was prepared to take seventy more, who were also to be accompanied by their devoted superintendents; so that if not at this moment, at all events before long, there will be 100

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girls steadily training in that secluded valley, a thousand miles from here, the forerunners of a social change which may gradually develop Algiers into a manufacturing country, and absorb the lives of an untold number of women. I attended the little *fête* of installation, when a high ecclesiastical dignitary of Algiers came to perform Divine service at the little chapel on the premises; he was accompanied by several of the civic functionaries of the town, whose carriages stood in the ravine, making quite a festive bustle. The two partners were gay and smiling—indeed, I believe them to have been good men, delighted not merely with the business aspects but with the benevolent side of their scheme; the sisters were radiantly pleased with the prospects of their charges; the dormitories were airy and wholesome, the dining-room and kitchen clean and commodious. The hundred girls, after being taught a respectable trade and enjoying careful moral superintendence during their youthful years, would be free at twenty-one, and would probably find respectable marriages without difficulty. Things being as they are in this modern life of ours, it was undoubtedly a good and kind scheme, well and carefully carried out; careful for the welfare of the children in this world and the next; and yet, perhaps, you will not wonder that I could not help thinking of those poor children at their eternal spinning whenever in after spring days I walked over the wild hills and through the scented glens of Algiers; and that they brought home to me, from the vivid contrast of the untrammelled nature around me, what perhaps in Europe might never strike the heart with equal vividness, that our modern civilization is in some respects a very singular thing, when the kind hearts of a great nation can best show their kindness to orphan girls by shutting them up to spin silk at a machine for twelve hours a day from the age of thirteen to that of twenty-one!

Eight years of youthful girlhood with the smallest possibility during that time of sewing, cooking, sweeping, dusting, and with neither play nor instruction except the little they can pick up on Sunday. What will they be like in the year 1869!

So much for silk at Lyons and Algiers; and remembering that at Lyons the mode of industry is as yet very favourable to women, let us see how matters stand in regard to cotton and woollen at Rouen and at Lille, where, as a rule, the system of large factories already prevails. Referring to M. Simon's book, we find that he starts on the first page of his preface with stating that he has passed more than a year in visiting the principal centres of industry in France, and that whereas the workman was once an intelligent force, he is now only an intelligence directing a force—that of steam; and that the immediate consequence of the change has been to replace men by women, because women are cheaper, and can direct the steam force with equal efficiency. "A few years ago," says he, "we had very little mechanical weaving, and, so to speak, no spinning by machinery; now, France has definitely and gloriously taken her place among the countries of large production," (*la grande industrie.*)

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He speaks of the men gathered together in regiments of labour presenting a firm and serried face to the powers of the State, no longer needing a rallying cry of opposition since they are in mutual intercourse for twelve hours a day. "And what," he asks, "shall we say of the women? Formerly isolated in their households, now herded together in manufactories. When Colbert, the Minister of Louis XIV., was seeking how to regenerate the agricultural and industrial resources of France, he wished to collect the women into workshops, foreseeing the pecuniary advantages of such a concentration, but even his all-powerful will failed to accomplish this end; and France, which loves to live under a system of rigid administration, makes an exception in favour of domestic life, and would fain feel itself independent within four walls. But that which Colbert failed to achieve, even with the help of Louis the Great, a far more powerful monarch has succeeded in bringing to pass. From the moment when steam appeared in the industrial world, the wheel, the spindle, and the distaff broke in the hand, and the spinsters and weavers, deprived of their ancient livelihood, fled to the shadow of the tall factory chimney." "The mothers," says M. Simon, "have left the hearth and the cradle, and the young girls and the little children themselves have run to offer their feeble arms; whole villages are silent, while huge brick buildings swallow up thousands of living humanity from dawn of day until twilight shades."

Need I say more, except to point out that when once any new social or industrial principle has, so to speak, fairly set in, the last remains of the old system stand their ground with extreme difficulty against the advancing tide, and that trades by which solitary workers can earn a sufficient livelihood are every day decreasing in value, or being swept off into *la grande industrie.* Sewing will assuredly all be wrought in factories before long; the silk work, which formerly stretched down the valley of the Rhone as far as Avignon, has gradually drawn up to Lyons, leaving the city of the Popes empty and desolate within its vast walls. At Dijon M. Maitre has gathered up the leather work of that ancient capital into his admirably organized *ateliers,* where he employs two hundred men and one hundred women, and binds prayer-books and photographic albums and *porte-monnaies* enough to supply an immense retail trade in Paris. In England it is the same: we gather our people together and together, we cheapen and cheapen that which we produce. Did you ever, when children, play with quicksilver, and watch the tiny glittering balls attracted in larger and larger globules until they all rolled together into one? Such is the law of modern industry in England and France, and in all other countries according as they follow the lead of these two nations in the theoretic principles of life which lead to those results which are at once the triumph and the dark side of modern civilization.

Having thus pointed out the conditions under which so large a proportion of our national commercial prosperity is carried on,

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permit me to say a few words regarding the practical consequences and duties it entails. Nobody can doubt, that so vast a social change must be gradually inducing an equally great moral change, and that some of the consequences must be bad. I am careful to limit my expressions, because it must not be forgotten that I have not spoken to-day of the poor or of the degraded, but of the bulk of the factory workpeople of England and France, and of large classes in Scotland and Ireland, who earn their bread by respectable industry and are often the main support of their families. It is true, that I have heard and could tell grievous stories of the wild, half-savage state of the women and girls in some districts, in some factories, under some bad or careless masters; but that is not the side of things to which I wish to draw attention:—it is rather to the inevitable results of non-domestic labour for women and to the special duties it imposes on those of a higher class. In the first place, there are the obvious results of the absence of married women from their homes, an absence which I believe we may fairly state, should, in the majority of instances, be discouraged by every possible moral means, since the workman must be very wretched indeed before his wife's absence can be a source of real gain. Then there is the utter want of domestic teaching and training during the most important years of youth. How to help this is no easy matter, since, whatever we may do in regard to married women, we certainly cannot prevent girls from being employed in factories, nor, in the present state of civilization, provide other work for them if we could so prevent them; and lastly, there is what I believe to be the sure deterioration of health; we are as yet only in the second generation, but any one who has closely watched the effect of ten hours in England and twelve hours in France, of labour chiefly conducted in a standing posture amidst the noise and, in some cases, the necessary heat of factories, upon young growing girls, knows how the weakly ones are carried off by consumption, or any hereditary morbid tendency, and what the subtle nervous strain must be upon all.

Believe me, there is enough in the necessary, and what we have come to consider the natural, features of modern industry, to arouse the earnest conscientious attention of the wives and daughters of employers, and of all good women whom Providence has gifted with education and means. And as the need is peculiar, so must the help be. Except in some isolated cases we will hope and believe that it is not, strictly speaking, missionary work. It is not to teach the wholly uneducated, to reclaim the drunkard, to rouse the sinner; there is enough of that to be done in England and France, but it is not of that I am speaking. Help and teaching and friendliness are wanting for the respectable workwoman, such as have already been partly provided for the respectable workman. When Lord Brougham, Dr. Birkbeck, and others, started the Mechanics' Institution, when classes, and lectures, and savings' banks, and co-operative societies were created, it was to help those who were willing and

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able to help themselves, if put in the way. The Christian ministers of all Churches and persuasions have generally of late years entered with warmth into these secular plans for the advantage of their flocks; and it is just such an intelligent effort, carried out by earnest and intellectual women, which is required wherever numbers of their own sex are gathered together to labour. I do not mean that the plans should be identical, but that the level of effort and of sympathy should be the same. I would see every large factory sustained in its moral advancement by female teachers capable of entering into the moral and physical life of the people; I would see evening classes, co-operative societies, and mothers' meetings of an upper sort, vigorously set on foot. I would have the amusements of the younger people guided, restrained, and elevated; and those women of the middle classes who crave for more activity, yet do not feel that they possess the peculiar characteristics needed to visit the very poor, to nurse the very sick, or to reform the very degraded, remember that there is an immense, an inspiriting field of exertion, one demanding intellect, study, and sympathetic apprehension of the social forces now at work in England and France, which calls for their religious endeavour and intelligent will.

The Condition of Young Women employed in Manufactories in Dublin. By Anne Jellicoe.

The influence of factory life on the social condition of the workwomen of Dublin is, doubtless, of small extent, if compared to its effects on the crowded population of the great manufacturing towns of England. Yet it will be found that a very considerable number of young women are engaged in manufactories in this city, a number likely to be increased as the industrial resources of the country become thoroughly developed.

In the absence of any accessible centre of information, an estimate of the numbers employed, and the rate of wages paid, &c., has been carefully prepared from personal observation and inquiry.

The principal employments open to the humbler class of women may be divided into two sections,—the trades which are guarded from general intrusion by the jealousies of "craft," and those occupations to which the great army of "toilers and spinsters" have free access. To the first division belong the winding of silk, the weaving of carriage lace; hat, cap, and bonnet making, tailoring, boot-closing, brush and pin making, bookbinding, &c. In the second group are included the weaving of linen, cotton, and frieze, the making-up of various articles of clothing, and the paper trade in most of its branches. In all of these employments, unless specially noticed, the wages average 6*s*. per week of ten hours per day. The trade of silkwomen, which is on record as the earliest paid branch of female industry in England, affords employment to about 100

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young women as winders and pickers of silk, in the peculiarly Irish art of poplin weaving. The winders take apprentices of twelve years of age and upwards, and receive part of the payment for the work done by them. The men employed at the looms can earn £2 to £2 10*s.* per week, but cannot be induced to make provision for a "rainy day," and many families are now suffering severely from the depression of trade caused by the civil war in the United States.

The weaving of carriage lace, fringe, &c., employs, in good times, from sixty to eighty young women.

Over 100 not very healthy-looking women are occupied in the finishing, &c., of hats. The apprentices give one year of their time without receiving wages.

Most of the employers in the above-mentioned trades are interested in the moral instruction of the young women, who are a decent orderly class. A knowledge of these callings is generally handed down from one family to another, and mental education is not so much needed as the handiness acquired by early acquaintance with the art.

In the capmaking there is a want of skilled industrious women, who may earn 6*s.* to 8*s.* per week. The sewing machine has been introduced in this branch of industry, but only for ornamental stitching, as the regular capmakers will not work at the machine.

The making of straw bonnets afforded employment at one time to a very large number of women, but is now carried on merely in a private way.

Of the handicraft trades, bookbinding employs by far the largest number of girls, principally in stitching, folding, &c. Some employers see no objection to women taking a higher position in the art; and in one respectable house, a woman successfully manages a machine which was previously attended to by a man. The wages range from 4*s.* to 16*s.* per week. The operatives take apprentices from the age of twelve, who must give one year or more of their time without wages, according to their need of instruction. Though not required to read or write while occupied in the lower departments, education greatly facilitates their rise in the trade. In one or two houses girls are engaged at very low wages in routine work, which has the effect of afterwards lessening their value as intelligent artisans.

The women occupied in marine stores must not be passed without notice. Their trade of picking and sorting rags, though dirty and repulsive-looking, is easy, and they are sometimes able to earn 8*s.* a week. Large numbers are employed in this way: and, though generally illiterate, their employers give them a high character for honesty. These women must not be confused with the miserable creatures who frequent by-lanes, carrying baskets of rude toys and sweet stuff, which they barter with the street children for rags, in some instances torn from their already tattered garments.

The introduction of sewing machines has within the last few years given rise to a new order of factories, which bring together in large workrooms artisans whose callings had previously been carried on in their own dwellings. Nearly 500 girls are employed in bootclosing

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in eight of the largest establishments in the city; they earn an average of 8*s.* per week of nine hours per day, the cutters-out, machine-workers, &c., earning the largest proportion of wages.

Tailoring is another of the trades now in a state of transition from that of a handicraft to machine labour. English-made goods are coming over at a price only to be met by the use of machinery; yet an outcry has been raised against the sewing machine, on the ground that greater numbers of women and children can by its adoption be admitted to the trade. The making of waistcoats is a remunerative occupation for women; good workers can earn fully 10*s.* per week by hand sewing. It is difficult to get clever workers in this as in many other trades, and they often object to the restraint of the work-room. The nature of the two last-named occupations, hitherto carried on day and night in stifling rooms, where fresh air was rarely permitted to enter, induced such habits amongst this class of tradespeople that many manufacturers have welcomed as a boon the use of machinery, by which punctuality, order, and industry are rendered compulsory.

There are three pin manufactories in the suburbs which give employment to a number of females both in the factories and in rooms in the city, in the sorting, making-up, &c., of pins; all the actual process of manufacture being now done by machinery. Those at work in the city can earn, "even allowing them Monday," said one employer, seven or eight shillings per week. Many of these women are of very low class, and there is great difficulty in getting the work promptly executed. This idle habit of taking a holiday on Monday is not confined to the working classes, but prevails even among children at infant and other schools.

Linen, cotton, and woollen factories are of the class of employment in which apprenticeship is not required. The older hands instruct beginners, and receive some payment out of the work of their pupils. About a thousand young women, principally the daughters of the poorer class of tradesmen, are occupied in these mills. A few are clean and tidy, but the majority of the young women who compose the noisy and undisciplined groups that pour from the manufactories when work is over, though quick-witted in many ways, are very inferior in appearance, manners, and habits, to what, with a little care, they might become.

The culture of the flax plant, a product so exactly suited to the climate of Ireland, is very little attempted, except in the province of Ulster: there it has taken such deep root, and attained so flourishing a growth, that in the county Antrim alone (independently of the preparing processes) over 660,000 spindles are at work, twisting its fibres into thread, while 4000 power looms are occupied weaving it into linen. In the neighbourhood of Dublin we have one factory employing about 400 women and girls, who earn from 3*s.* to 7*s.* per week, according to their aptitude and industry. The girls are all over the age of thirteen in this as well as in most other manufactories, so that schools are not demanded by law for their instruction.

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In one department of this factory a respectable woman acts as overseer, a plan which, if adopted in all workrooms where girls are employed, would be attended with incalculable benefit, both in the moral training of the young women, and as affording a healthy stimulus to their exertions to improve, so as to be able to fill such situations. The manager is anxious to promote the welfare of the operatives, but finds that any improvement they gain is counteracted by the state of their dwellings and the habits they have acquired there.

A considerable number of women, of a similar class to those just mentioned, are employed in paper mills, of which there are several near Dublin. The paper trade in its higher branches of cutting, stamping, edging, and making-up into the numerous forms required for business purposes, affords a very suitable occupation to young women. The appearance of the girls engaged in this way presents a striking contrast to a large portion of those employed in other manufacturing operations, these being tidy, intelligent-looking, and generally knowing how to read and write.

One employment which remains to be noticed is that of the needlewoman. In this department the sewing machine reigns supreme, and its busy whirr will soon be heard in every street. The females whe are counted by hundreds in other trades may in this be reckoned by thousands, and, on account of the present dulness in most other kinds of mauufacturing employments, fresh recruits of every age and grade—from the tradesman's daughter, anxious to obtain a few shillings for the purchase of dress, to the reduced gentlewoman striving to eke out a meagre existence,—are now pressing into this, the woman's great resource.

The exercise of a judicious and benevolent oversight is here most especially needed.

In each of the larger manufactories there are from 50 to 200 women employed, who earn from 2*s.* to 6*s.* per week by working from nine A.M. till seven P.M., with an hour's interval. The preparing, finishing, &c., of the work for each machine occupies two, three, or five girls, according to the nature of the garment, and the dexterity of the machine worker, who can earn from 7*s.* to 15*s.* per week. "This young lady," said one overseer, "could keep a dozen going." One, two, or three cutters-out are also employed in every workroom, as well as an overseer, whose business it is to keep the workers from idling. In one or two houses girls are taught to sew and use the machine, and for this instruction they pay in either time or money. One of the workmasters said that he could find employment for double the number of hands but for the difficulty of managing the sewers, many of whom do not know how to hold a needle when they come to the factory, and often leave in disgust after a few days to seek some easier and more remunerative employment. Very many are quite satisfied with earning a few shillings a week, and will not exert themselves to obtain more wages. In most establishments trained hands only are engaged, as employers cannot afford to give time or

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room to the incapable, many of whom offer their services, which must be refused, though skilful workers are in demand. One manufacturer, who has had large experience in the sewed muslin trade (now nearly extinct in Dublin,) is about to send to Belfast for young women to manage the sewing machines in a millinery establishment. There is reason to expect an increased demand for labour in this branch of industry, but it is difficult to convince the sempstresses of this. When flax-spinning by steam-power was introduced into the North, few of the labouring classes could have thought it likely that in thirty years a female operative in a spinning mill would be able to earn double the amount of wages which could then be obtained by the girl at her wheel. In some houses the goods, partly sewed by the machine, are given out to women who can pay a deposit. Some of these earn a subsistence by collecting their poorer neighbours to sew at low wages, or give out the work to those who have not courage (and too often not clothing) to go to business houses in search of it. This last-mentioned difficulty is, in one instance, overcome by the efforts of a few ladies, who having obtained an army contract for shirtmaking, have established the Crimean Home, where the relatives of deceased soldiers can procure work to the extent of twelve shirts a week, for which they receive 6*s*. Machines are not used here, and the institution is self-supporting, paying salaries, rent, &c., and furnishing 170 poor women with the means of subsistence, besides giving them out of the profit of their own work a supply of blankets and coals at Christmas.

The Sempstresses' Institution, in Grafton Street, affords assistance of this kind to distressed needlewomen or strangers, who can there obtain a temporary supply of work; and, as a kind of registry is kept by the matron, permanent engagements in families are sometimes procured for deserving persons. All who are acquainted with the life of the poor know how valuable such assistance is to those who are often ready to sink into lethargy from the sickness of "hope long deferred."

The reason alleged by manufacturers for employing the agency of the middlewomen is the very great trouble incurred in the working of factories, from the ignorance, inattention, want of energy, and great impatience of restraint, exhibited by the generality of the class who apply for employment.

Setting aside all considerations of national temperament, the influence of climate, &c., there are obvious causes for most of those lamentable deficiencies. First amongst them is the state of the home, which may be truly called the seed-plot of society, where the greater number of these girls are reared, in disregard of the commonest laws of health, and in total ignorance of their necessity.

The food with which they are sustained is almost always insufficient in quantity, and is invariably deficient in quality,—serious drawbacks, which their usual method of cooking is not calculated to obviate. As the researches of physiologists have proved that an intimate relation subsists between the quality of the labour and the food

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of the workman, there is no doubt that deficient and badly-cooked nutriment is a cause of the marked listlessness observable in so many of the working class; and their carelessness of order and great impatience of restraint may be traced to the unsettled habits acquired in the street life and desultory occupations of their childhood.

Another great disadvantage, but one not under their own control, militates against the welfare of this uneducated class. On the Saturday night, during any depression of trade in the various industrial avocations, numbers of artisans are sent adrift, and they must either wearily acquire a knowledge of some new means of support, or receive from the middlewoman the scantiest pay by which body and soul can be kept together. In all such cases the ignorant and unskilled are, of course, the first to suffer.

Under these circumstances, the most strenuous opponent to the extension of education amongst the working classes cannot deny to this section of the community the claim which they have upon those whom the providence of God has placed over them in stations of influence, for at least such mental and physical training as will enable them more readily to adapt themselves to changes of employment, and at the same time teach them their duties as responsible human beings.

The means of improvement within reach of this class are few indeed. Infant schools strike at the root of these evils, and mothers' meetings are of use in fostering a love of industry, and diffusing a knowledge of sanitary laws. But for the training of the ignorant adolescent of the present generation, enlightened and experienced men place most reliance on evening schools, from which the industrial element shall not be entirely excluded. If we wish for empty poorhouses, the young minds of the rising generation must be imbued with principles of self-respect and independence. If the young women are trained to be handy, thrifty, and provident housekeepers, there will not be so many wives driven into the ranks of the bread-winners by the idleness and drunkenness of their husbands.

Penny savings' banks should be increased. A home is required where timid and friendless women could receive shelter at moderate cost, and where the useful but neglected arts of cooking and mending might be taught and practised; and not the least important to the well-being of the working class would be the establishment of a registry of the various employments open to young women, and the different institutions available for their aid.

POOR LAWS AND CHARITABLE RELIEF.

The Irish Poor in Workhouses. By ELLEN WOODLOCK *and* SARAH ATKINSON.

THE system of poor relief, as established by law, has now been about twenty years in operation in Ireland. In spite of the good

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intentions which, no doubt, animated the originators, the system has not been working to the satisfaction of the thoughtful and benevolent, or of the public generally.

This can be no matter of surprise when it is remembered that in the present case an attempt has been made to relieve distress by the indiscriminate application of rigid, mechanical rules, framed in complete disregard of the peculiar character, temperament, and condition of the poor of Ireland, and to repress "pauperism" by the strong hand, as it were, and the adoption of a method which necessitates the huddling together, in one huge heap of contamination, irreclaimable vagrants and the casual poor, unconvicted criminals and the pure and good, the vicious growth of the workhouse schools and the unprotected children of virtuous parents.

The adjuncts of Christian charity have been wholly set aside in carrying out this particular system of poor relief; and the voluntary aid which, in all truly charitable undertakings, is liberally offered and eagerly accepted, has been studiously rejected. Whilst, as a climax of evil, the multitudes of children known as "cholera orphans" and the "famine orphans," as well as the large number of deserted infants and children losing their parents by death, who year after year become chargeable upon the rates, have been so dealt with in workhouses, that what between absence of moral supervision, want of industrial training, complete isolation from all humanizing influences, the direct result has been the formation of a distinct class in the country—more innately vicious than the wild "Arabs" of the streets, more incorrigibly idle than the beggars and strollers of old times—a class separated from the general population by very marked characteristics, and recognised wherever they go as "workhouse boys" and "workhouse girls;"—a class, moreover, which once turned adrift into the stream of the population, or even temporarily suffered to mingle with its course, is sure to infuse a deteriorating influence, which it needs only the continuance of the supply for some years longer to expand into a wide-spread demoralization.

All classes of the Irish poor hold the workhouse in abhorrence. They are literally at death's door before they seek relief within its walls. The "neighbours" exhaust themselves in efforts to save poor families fallen into destitution from what they look upon as the last degradation, the most pitiable form of ruin. The rich, who are engaged in the promotion of benevolent objects, and entertain a kindly feeling for the poor, are no less anxious to avert such a calamity, and prove the earnestness of their convictions by taxing themselves heavily for the support of institutions which are in themselves a singularly striking protest against the insufficiency, cruelty, and demoralizing tendencies of the relief administered in workhouses; and which, had there been a truly wise and humane assistance afforded by the State, could only be regarded as mere freaks of benevolence.

Hospitals are maintained at great cost to save a section of the sick poor from the hard necessity of claiming relief in an establishment

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where, for want of kindly and sufficient supervision, and through the agency of pauper nurses, oftentimes profligates and drunkards, they are cheated of the prescribed restoratives, and even of their food. Extensive orphanages absorb immense sums, and subscriptions flow in freely, because the object is to save the lives of poor children who otherwise would be abandoned to their fate in the union workhouses, which, it has been said, are "not so much asylums as slaughter-houses for the young." Schools and refuges of every kind are brought to bear to rescue young females from the certain contamination of the adult wards; and associations of ladies and gentlemen, who visit the sick in their homes, expend hundreds and thousands of pounds every year supporting the heads of families when ill, or accidentally out of work, so as to prevent, if possible, the terrible alternative which stares the poor man in the face under such circumstances—the alternative of breaking up his home, and scattering his family through the several wards of the workhouse.

In reality, there is an immense mass of distress existing in the country which is not touched at all by workhouse relief. If it be true that fewer resort to the workhouse of late years, it is equally true that charitable institutions are everywhere on the increase; and that one has only to go through the lanes of our cities, or enter the cabins by the wayside, to witness spectacles of as harrowing distress as if the starving and wretched had no legal claim to relief in the land. Frequently we have seen families in such a state of abject misery as would make one fancy the sustenance, no matter how scanty, provided by the rates, and the shelter of the workhouse roof, would have been eagerly sought; and yet we have invariably hesitated to propose an application to the union, knowing that such a step would entail "the calamity of breaking up a human family," and inflict upon the children, at least, a taint in morals, which would be a heavy price to pay for the charity of the workhouse crust.

To account for this universal repugnance to workhouse relief, as at present administered, and for the general belief in the disastrous consequences which follow its acceptance, it is only necessary to remember the condition and character of the lower orders of the people.

A most striking characteristic is, their love of home and country, and their strong family affections. With all their fervid, poetic nature, and temper of a true southern aspect, they are not so much expansive and capricious as concentrated in their feelings and affections. Factory life being the rare exception, not the rule, such a thing as herding together dense masses of people is unknown; each peasant lives apart, even if he do not rent a patch of land, by the cultivation of which, in addition to his hire as farm labourer, he manages to keep body and soul together. When congregated in towns and villages, following various trades, the different families still preserve their independent character; the closely packed tenements forming, in reality, but an aggregate of homes. The Irishman is literally rooted in the soil. He will stop at nothing, not even at crime sometimes, to keep inviolate that little scrap of land which is

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far more his "heaven on earth" than is the rich man's house his "castle." The enactment known as "Gregory's Clause," (now happily doomed,) which provided that no one renting more than a quarter of an acre of land would be considered entitled to relief unless he gave up his holding, had the direct result of keeping out of the workhouse very many who were reduced to the last stage of distress. He would not accept relief on the conditions imposed, until the grasp of death tightened on him, and even then would not always purchase life by consenting to a step which would make his children not merely recipients of temporary relief, but life-long paupers.

The ties of kindred are equally strong in the hearts of the people. When forced to seek better fortune in a strange country, they cling to the memory of home with that painful, passionate tenacity said to characterize the natives of mountainous districts, who faint and pine away in the circle of low horizons. The expatriated Irishman craves the sight of the old familiar faces; fancies all must go well if he but gather his people about him; sends the first gold he touches (nearly one million a year has come in that way) to bring them out; and dreams thus to find again in that foreign land his old home in the miserable cabin which is an eyesore on the landlord's wide domain. With such a disposition, a man is not likely to be in a hurry to claim a kind of relief, the very first acceptance of which may force him to a life-long separation from friends and kinsfolk; for, having once parted with everything he possessed, there remains but a poor chance of his ever being able to gather his own into a home again.

Strict morality in domestic life is another characteristic of the Irish poor. Severity of discipline in this line is no way neutralized by their natural kindliness of disposition. Any lapse from virtue is punished rigorously; the offending member cut off from home and kindred; so that living in familiarity with vice is a thing unknown. The public opinion of the lane or townland is a serious check to evil doing of every kind. It embodies a sort of traditional code, and has all the force and permanence of such an influence. It stood them in good stead when education was not to be had, and is, in fact, the practical expression of a deep religious feeling. When set free of such salutary bonds, it fares badly with the poor. And it is, in reality, the absence of this sort of restraint, the withdrawal from old associations, and removal from the daily, hourly, influences of their old religion, which make the Irish settled abroad so unlike the Irish at home, rendering them too often the curse of the neighbourhood in which they are located. The workhouse system has done its best to cast down the barriers which, in common life, separate the good from the bad, by forcing the modest and the shameless into unnatural companionship, delivering up the innocent to the snares of the reprobate and designing, and rearing children without home affections, or social ties, and so distorting their natural disposition as to render them, when they do leave the workhouse, impervious to influences which keep the youth of other classes in the right way.

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The healthy moral tone which prevails outside the workhouse is accompanied, generally speaking, by an equally healthy physical type. The cabin doors throughout the country swarm with chubby, cheerful youngsters. Under ordinarily favourable conditions they grow up well. The young men make a creditable appearance in the army and in the constabulary; and the agricultural labourers, when good food puts muscle on them, and a fair day's wages gives them heart, work as well as any men. The young women of the country are singularly good-looking. Such as are met with on the Kerry hills, or in the wilds of Connemara especially, are studies for an artist:—straight of stature, light of limb, with sometimes the dark tint of true Milesian blood, and sometimes the sunnier complexion of a fairer race. They are joyous, free-hearted, gentle. They take instruction readily, can learn any handicraft, and are not disinclined even to the rudest labour, as we can testify who have often seen them at work in the bogs during the turf-cutting season, or carrying loads of manure through ploughed fields, at wages not rating above sixpence a day.

Wide is the difference with regard to the offspring of the workhouse. One half of the young children, it is computed, die off at once. It is not the worst fate that could befal them to get their "discharge from the workhouse" in this rude fashion, though one shudders at the waste of life implied. The children in the schools are miserable objects,—joyless, downcast, stupid, stunted—deformed with scrofulous affections, disfigured with ophthalmia. They are scarcely to be recognised as of the same flesh and blood with those who are reared, no matter how hardly, outside the workhouse. In character and conduct the same contrast is observable. And yet, with such plastic clay in hand as the children of the race we have described, it ought not to be a difficult problem to mould them into hardy, laborious, intelligent citizens. But the fairest specimens of a patrician stock could, by disregard of sanitary laws, and want of kindly conscientious care, be just as effectually stunted in body and stultified in mind. Neither should it have been difficult to rear and educate the children with whose support the State is charged, so as to make them, with as little delay as possible, *rate-payers* instead of *rate-consumers*.

All this has been overlooked or neglected, and, in the case of females especially, with most disastrous consequences. A large proportion of the boys get off one way or another. We know of one union in which there are only fifty boys from nine to fifteen years of age, to 250 girls of the same age. But the workhouses are filled with a multitude of idle, ignorant, often refractory girls, either brought up at the expense of the rates, or utterly spoiled by a sojourn in the adult wards, whom it is next to impossible to provide for in any way. Either they are so totally unacquainted with everything relating to ordinary life, so undisciplined in temper, so little amenable to kindness, so lazy and apathetic, that, when sent to service or apprenticed out, no one can put up with them, and they speedily

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return to the place they came from; or, they have got naturalized to the unwholesome atmosphere of the workhouse, and prefer the license and riot of the wards to the seemliness and exertion of an industrious life outside. Even when they begin with a good intention to do something for themselves, it is fatal to their progress to remember in every vexation, temptation, and difficulty, that there is such a refuge for idleness, perverseness, and vice, as the institution which was their *home* and training school.

In one workhouse there are at present, in a single division, about fifty such characters. Valuable returns, furnished by guardians of two different unions, show the little chance there is for girls thus brought up. In one case, 165 girls apprenticed out in the course of three years. Of these:—

73	were re-admitted to the workhouse;
13	absconded, or left their employers;
61	there was no account of;
18	were reported as going on well.
165	

In the other case, 160 young women were at one time provided with clothes to enable them to get employment; and of these, fifty-eight, or about one-third, found their way back to the workhouse, after an average time spent in service of *two months and a half!* They were all *habituées* of the workhouse; one with another residents of eight years, some thirteen and sixteen years, and none less than three years.

Eighty-three women, with two exceptions from sixteen to thirty-six years of age, were at one time in the sewing-room of the same workhouse:—

38	had been brought up in the house;	
7	had been there for a period of	10 years;
11	" "	5 "
7	" "	3 "
9	" "	1 year;
11	less than	1 "
83		

This is a sad account; and yet it does not represent the whole state of the case. For it must not be inferred that those who do not return to the workhouse they first passed through are, for that reason, getting on well in life. Workhouse girls throng the streets, are to be found in Magdalen asylums, in reformatories, in penitentiaries, in convict prisons; and get mixed up here and there with the general population, in a manner not beneficial to the latter. From time to time many have been sent adrift as emigrants. One union sent out 223 in one year, and thus, as a guardian expressed it, "got rid of a great many refractory girls!" Many of these, it appears, from accounts subsequently received, turned out very badly. They

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were not prepared to face the world; and could come to no good, and did not.

Many remedies have been proposed to check the evils of the workhouse system. The following, at least, are simple, practicable, and need only the pressure from without of public opinion to be thoroughly successful in application. They may be thus classed:—

1. A regulated extension of out-door relief which would give assistance to heads of families when sick or fallen into temporary destitution, without necessitating the entrance into the workhouse of the entire household.

2. Out-door relief to widows with children, the attendance of the children at an infant or industrial school being made a condition of such relief.

3. Orphan and deserted children to be nursed out and kept in families until of an age to earn their own livelihood,—a measure quite practicable in Ireland, as proved by the experience of orphan societies belonging to different religious communions, which have adopted this system of rearing children as the most healthful, economic, and speedily successful that could be devised—in which case attendance at infant or industrial schools should likewise be made compulsory.

4. Strict classification of the inmates of workhouses.

5. The introduction of a high order of female superintendence in workhouses.

6. The admission of visiting societies, with the sanction of boards of guardians; the object of such societies being, to look after the moral and industrial training of the children, carry out religious instruction under the chaplains, provide situations for the inmates when duly trained, and exercise a kindly supervision over them when in place.

7. A separate place for religious worship attached to each workhouse, so that the children may be brought up with a feeling of respect for the House of God, and the older inmates may have access during the day to a place set apart for retirement and prayer.

8. The appointment of a committee of management, selected from each board of guardians to administer relief, and watch the conditions of its recipients in-door and out-door; maintain the observance of established regulations, select officers, and keep them to their duties; make contracts, and ascertain that supplies are faithfully delivered, stored, and distributed; in fine, visit the various divisions of the workhouse constantly, and do all things belonging to effective management.

Here and there, throughout the country, a step has been made towards reform, in one or another department of workhouse management, which plainly indicates that legislation is not so much wanted as a full recognition by guardians and the public of the wrong which has been done, and the necessity of adopting a wholly different course in dealing with the poor, and bringing up pauper children. The guardians of the Limerick union have appointed three ladies of the

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Sisterhood of Mercy to the post of nurses in the workhouse hospital. In Cork, a Ladies' Workhouse Visiting Society has been established, and it has been so productive of good effect among the female inmates, that it has been resolved to form a "Gentlemen's Visiting Society," on the same plan. The Select Committee appointed to inquire into the operation of the Irish Poor Law have, in their report to Parliament, recommended, that the powers which Poor Law guardians now possess with regard to fever cases should extend to cases of sickness and accident; that the quarter-acre clause should be repealed; that guardians should be authorized to place orphan and deserted children out to nurse; that the moral classification of inmates should be particularly attended to; and that a separate place for religious worship should be provided in every workhouse. If these "recommendations" should happily take the form of legal enactments, much would be done towards mitigating the evils and changing the aspect of workhouse relief.

Let those huge union workhouses become truly charitable institutions for the sick and helpless, and training schools for destitute youth. In one word:—Let in more light; bring in more love!

On the Rearing of Pauper Children out of Workhouses, and the Legislative Provisions necessary for their Protection. By MARK S. O'SHAUGHNESSY, *Barrister-at-Law.*

IN a letter addressed by the Commissioners for administering the Laws for the Relief of the Poor in Ireland in May, 1857, to the then Chief Secretary for Ireland, Lord Naas, it was stated that "experience had shown that very young children without their mothers cannot be nurtured in the confined area of a workhouse so successfully and satisfactorily as when put out to nurse." (Appendix to 12th Report, p. 139.) It was no new truth, that peculiar difficulties attended the rearing of the children of poverty. In his time, Adam Smith had remarked upon this, and had pointed out how, "in foundling hospitals and among the children brought up by parish charities, the mortality is still greater than among those of the common people." (Wealth of Nations, Book I. chap. viii.) In the Irish workhouses, the mortality had been so great, notwithstanding (it may be hoped) the attention and the exertions of Commissioners and of Guardians, that about the time (June, 1857) when the consequences of having children in the confined area of a workhouse were thus remarked upon by the Commissioners, the Guardians of a metropolitan union (the North Dublin) declined to receive some children then in the hands of the police, "as it would be nearly certain death to receive them into this house." Three years later, (November 14, 1860,) the evil, so far at least as that union was concerned, still continued, for an application for the admission of two deserted children was met by the declaration of one of the Board, "that, in almost every case, where children under four years of age were admitted to the workhouse, it proved fatal to them." By the Act of 1847 (10 Vict. c. 31,)

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the Legislature had made provision which would have admitted of the children of widows with two or more legitimate children being supported with their mothers upon out-door relief. In a Bill ordered to be printed February 12, 1858, and brought in by the then Chief Secretary, the Right Hon. Henry Herbert, and Attorney-General (the present Mr. Justice Fitzgerald,) it was proposed that it should be lawful for the guardians to provide for the relief of any orphan or deserted child out of the workhouse, if they should think fit to do so, by placing such child out at nurse, or otherwise, according to their discretion. But that was Utopia for the class intended to be provided for, even though that provision was not to be continued beyond five years. In "The Happy Republic," of which Sir Thomas More tells us, "every child was nursed by its own mother, if sickness or death did not intervene; and in that case the syphogrants' wives find out a nurse quickly, which is no hard matter to do, for anyone that can do it offers herself cheerfully; for as they are much inclined to that piece of mercy, so the child whom they nurse considers the nurse as its mother. All the children under five years old sit among the nurses."

Somewhat in advance of the Bill of 1858 was that brought in by Lord Naas, as Chief Secretary, and the Right Hon. J. Whiteside, as Attorney-General, and ordered to be printed March 22, 1859. By that it was proposed that no deserted or orphan child should be admitted into any workhouse until it should be of the age of six years, but no such child should continue to be relieved out of the workhouse after it should be of the age of ten years. The words "or otherwise," ("out at nurse or otherwise,") which appeared in the former Bill, and which might have been held to include the placing of such children in institutions provided for the purpose of rearing children, were omitted in the Bill of 1859, and no machinery was provided or direction given as to the manner in which the child should be watched over and cared for whilst so relieved out of the workhouse. A further step in advance of these two Government proposals was made by the House of Commons itself. In August, 1860, a majority of 100 to 8 voted that the period to which relief out of the workhouse may be given to such children should be twelve years.

But all this attempted legislation, futile as yet, seemed to have been dictated by no other feeling than that mortality was to be diminished, and to have been founded upon the assumption that a system for the relief of the poor need in no way point to moral objects or regard moral influences. It seemed to have been assumed that within the workhouse such education of the heart, the feelings, the affections, could be and was imparted, as that the minds of the poor children reared there would be softened, and be so disciplined as to bear the hard lot to which they were born; it seemed to have been assumed that there their intellects would be sharpened and quickened so as more readily to grasp at and seize upon and master those means of independent support which do not present themselves easily and readily to that class in life; it seemed to have been assumed, too,

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that there the means existed of so training them as to fit them for going into the world skilled in knowledge of ordinary things, ordinary life, the services it commands, the habits it requires, the duties as to temper, diligence, patience, industry, activity, which the children of labour are expected to discharge.

Now, fully twenty years since it was stated, on high official authority in England, that all this, so necessary to enable the poor child to take his or her fit place in the community, was incompatible with being reared in a workhouse. In 1841, the English Poor Law Board presented to the Home Secretary a report on the training of pauper children. That report was founded on statements made by the Assistant Poor Law Commissioners, from which some extracts may be taken. Dr. James Phillips Kay says, "An orphan or deserted child, educated from infancy to the age of twelve or fourteen, in a workhouse, if taught reading, writing, or arithmetic only, is generally unfitted for earning his livelihood by labour. Under such a system he would never have been set to work. He would, therefore, have acquired no skill; he would be effeminate, and, what is worse, the practical lesson which he would have acquired had he been so fortunate as to live beneath the roof of a frugal and industrious father would be wanting." (P. 33.)

Mr. E. C. Tufnell says, "The atmosphere of a workhouse that contains adult paupers is tainted with vice; no one who regards the future happiness of the children would wish them to be educated within its precincts." (P. 350.)

Mr. Edward Senior (now one of the Poor Law Commissioners for Ireland) says, "It is impossible to employ the boys working on workhouse lands, or in the performance of menial offices, without the risk of their contamination from the other inmates; and this difficulty is increased with reference to the girls, whose probability of obtaining a place and going to service depends on their general usefulness and knowledge of cookery and household matters, as both in the kitchen and other offices they must mix and associate with females of bad character." (P. 392.)

The report, signed by (the present Sir) John George Shaw Lefevre, (Sir) George Nicholls, and (Sir) George Cornewall Lewis, states the conclusion, that "a workhouse cannot, with the greatest attention to classification, be made a place in which young girls can be removed from the chances of corruption."

The steps taken in England to mitigate these evils have been to send the children away from the workhouse to be reared in schools under contract, and this being not satisfactory resort has been had to the establishment of district industrial schools, under the Act 20 & 21 Vict. c. 48. Of these, Mr. Tufnell says, in the Report for 1859-60, "Schools of this description afford the only hope of rescuing the country workhouse children from the contamination that is too often the consequence, to the young, of a residence within the walls of a workhouse;" and public opinion has reached that stage in England, when it finds utterance through the *Times* in these

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decided words:—"There is no education which is so utterly condemned, and so universally believed to answer no purpose at all, as that received by children in union workhouses. We will not repeat what has reached us from many quarters as to the contamination these children, especially the girls, are exposed to, the unfavourable position of the masters and mistresses, and the difficulties in the way of carrying out any good system of teaching. Some years ago, it was fully believed that, at a certain early age, all the children would be removed from the union workhouse to district schools, where they would be better placed in all respects, as regards teachers, society, and means of industrial training. Now, there can be no doubt that these pauper boys and girls are the clients of the State, in a sense which can be extended to no other class; and if the State is directly answerable for any children, it is for them. Is it possible to escape to any extent the serious evils known to be inseparable from education in workhouses? If it is, we are sure the country will not grudge the expense, if any, of starting its clients in life, under more favourable auspices." (June 4, 1861.)

Such being the state of opinion, which has been the result of experience in England, it remains to be considered whether causes operate in Ireland productive of a more favourable result. First, as to danger of contamination. What the moral character of those women who frequent the Irish workhouses is, may be seen at a glance, by a comparison of the number of illegitimate with the number of legitimate children relieved:—

	Legitimate.	Illegitimate.
The children under fifteen of able-bodied inmates relieved in the workhouses, for the half-year ending September 29, 1860, were	11,149	10,398
Of parents not able-bodied	1,291	400
Total	12,440	10,798

Using this, the only information as to moral classification which the Commissioners' Report affords, and finding from it that the offspring of immorality nearly equal in number the legitimately born children, it may be readily inferred that a very large proportion of the female inmates are not persons of virtuous conduct. The consequent danger to the young of such companionship is obvious. Any one who has had experience of Irish workhouses knows how constantly productive of irregularities are the efforts of mothers to get at their children, separated from them and placed in the schools. The regulations admit of children under two years whose mothers are inmates remaining with their mothers if their mothers so desire, and of boys and girls, between two and seven years, when not attending school, being placed apart, and the mothers, at all reasonable times, are to have access to them. Then, subject to any regulations made by the Guardians, and approved by the Commissioners, the master shall allow the father or mother of any child to have an interview with such child at some time in each day. But commu-

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nications thus hedged in by formalities, and hampered by regulations, are not so easily available as to satisfy the strong love of Irish parents for their offspring; father and mother alike are fertile in expedients to break through classification, to carry scraps of food saved from their own share to the schoolchild, to satisfy anxiety about his health, and to nourish that filial affection which separation is calculated to destroy. But what safeguard is there for the orphan child, what protection for his morals, what education for his heart? There were 10,616 under fifteen years of age relieved in the Irish workhouses, without either parent, during the half-year ended September last. The lot of each of these is that sad one which one of the most powerful of modern writers of fiction paints with one stroke:—"If it hadn't been for you," said Eppie, "they'd have taken me to the workhouse, and there'd have been nobody to love me." (Silas Marner, p. 330.) Nor are the means of education likely to be such as to rear Irish pauper children in a better manner than that so complained of in England. There, local rates are aided by the Committee of the Council of Education in the payment of industrial teachers; in Ireland, the Guardians, always active in keeping down establishment charges, regulate the salaries; the emoluments of a workhouse teacher are not such as to draw the superior class of teachers away from the freer life of the ordinary national school; the well-conducted and skilful tradesman will not submit to the restraints of workhouse discipline for the stipend there allowed for the instruction of the pauper children in trades; in fine, no provision is made at the Model Agricultural Schools for the instruction as skilled labourers of the class from whom the farm workmen of the country districts should be drawn. Within the workhouse, the cooking of Indian meal stirabout, of peasmeal or oatmeal soup, the washing of the coarsest clothing, the stitching together of the plainest dress, offer as poor opportunities to workhouse officers of imparting such instruction to the children as should fit them for service, as the arrangements and society of workhouse yards do, of having children trained to habits of usefulness, industry, and virtue; and the dining hall and the day room, the lengthy corridor and the spacious dormitory of the workhouse, bear as little similitude to an ordinary dwelling house as the discipline and arrangements do to the ordinary habits and customs of civilized life. Under the Act 11 & 12 Vict. c. 25, a power exists of combining unions in Ireland into school districts, and thus the means may be adopted of removing from the workhouse, at least the orphan children, and of rearing them in a manner which, in England, seems to have been not without advantages. But this power has not been widely availed of; the massing together of large numbers is not conducive to morality; individual character cannot be watched over amongst so many; and the superintendence must be too limited to allow of care being directed to developing good qualities and restraining evil propensities. Dealing with the questions of classification and the rearing of children, the Select Committee of the

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House of Commons who inquired, during the past Session, into the administration of the Irish Poor Law, came to the following resolutions:—

"That it is expedient to give to Boards of Guardians the authority of the parent up to the age of fifteen years, in cases of deserted children."

"To authorize Boards of Guardians to place orphans and deserted children out to nurse, up to the age of twelve years, when they shall think it right to do so."

"That the moral classification of inmates, especially in the larger workhouses, is a subject to which particular attention should be paid by the Poor Law authorities."

It becomes, then, of importance to consider how far such bodies as Boards of Guardians are capable of making the arrangements suitable for the rearing of each poor child, thus to be sent out into the world; what regulations should attend the placing out of each child so that justice may be done to it; and what enactments are required in order that the State may do its duty by these, its hapless, helpless clients. There are 163 boards of guardians in Ireland. If their numbers be analysed, it will be found that about nineteen have between twenty and thirty guardians, forty between thirty and forty, forty-two between forty and fifty, thirty between fifty and sixty, and nearly all the remainder, say thirty, have over sixty members. To quote the words of Dr. W. Neilson Hancock, in one of his papers on The Family System:—"Now, the duties of a guardian to a child cannot be properly discharged by a board; they are from their very nature individual and personal duties. Take, for instance, the two most important duties to be discharged—the religious and moral instruction of the child, and the selection of the trade or calling to which he shall be brought up, and in which he is to spend his life. How can a Board of Guardians, composed in every instance of persons of different religious persuasions, superintend the religious instruction of orphans? How, again, can a board, composed of persons in one rank of life, choose the proper trade for orphans in a totally different rank, of whom they know nothing personally as to their tastes, opportunities, connexions, or abilities?" When boards may be reckoned by scores, all these objections apply with increased force against such guardianship for a child; and some guardianship, closer, more concentrated, must be sought for. It is true that the Commissioners* by whom the present boundaries of unions in Ireland were formed, reporting in 1849 (1st Report,) contemplated that the necessity for increased workhouse accommodation to a considerable extent should co-exist with the administration of out-door relief, and considered that, for convenience and efficiency in the administration of the law as altered by the Act of 1847, the areas should be reduced so

* Thomas A. Larcom (now Major-General Sir T. Larcom, K.C.B., Under-Secretary for Ireland,) Wm. Ed. Delves Broughton (Capt. R.E.,) and Charles Sharman Crawford (then Poor Law Inspector.)

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as to obtain the rigid scrutiny of Guardians,—a scrutiny local and personal. From what cause soever, the state of affairs then contemplated has not come round; the Extension (out-door relief) Act of 1847 has become a dead letter; whilst during the half-year ending September last, nearly 117,000 (116,973) persons were relieved indoor, but 6,272 were relieved out-door. Of these no more than 226 (having 708 children dependent) were widows; yet, if the benefits of open air, family influences, a home for its childhood, are now considered expedient for the orphan or deserted child, how can like advantages be denied to the orphan children of the destitute widow? In England, not only may orphans and deserted children be relieved out of the workhouse for the purpose of education, but Guardians are empowered to give out-door relief with the view of enabling the parent of any child between four and sixteen years to have the same educated in any school to be approved of by the Guardians. (18 & 19 Vict. c. 34.) So a power exists of binding children out of the workhouse as apprentices (7 & 8 Vict. c. 101,) and the protection of such children is provided for by statute (14 Vict. c. 11.) As yet all this is the work of private charity in Ireland. It has worked with good effect. To take as examples—one, an Orphanage for Roman Catholics (St. Bridget's, Dublin,) reports, during 1860, 252 children distributed over the country with moderate farmers, no health test applied, with the exception of two or three their condition satisfactory; amongst the whole number but four deaths in the year. Another, Protestant (the Cork Protestant Orphan Society,) had 256 under the care of the Society during the year, of whom 190 were at nurse. But one had died during the year. The Limerick branch had but two deaths in 1860 out of 210 children, the Dublin branch but one out of 426. The Cork Report for 1859 says:—"Several ladies have kindly signified their intention to the Committee to undertake this interesting and important duty (the supervision of nurses and orphans in every parish,) on the efficient performance of which the welfare of the orphan so much depends." It goes on:—"In former years the Committee felt it their duty not to commit the care of the orphans in any case to their mothers. It was, no doubt, a sure way of testing their destitution. This harsh and painful course is no longer pursued by the Society; if the mother be a member of the Church, of unexceptionable character, and possessed of some means of livelihood, she is intrusted with the care of her own child."

The work is now to be taken up by the State; the experience which active charity has tested may be taken as a safe guide. "In truth (says a Report—St. Bridget's—already quoted from) the children are now growing into boyhood and girlhood in the heart of the peasantry of Ireland. They have a fireside, and one whom they call mother; the dear names of brother and sister are familiar to them. Their tender hearts have natural supports, on which the affections cling, and cluster and climb upwards." Like safeguards should surround the pauper child; for him like patronage, protection, and

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superintendence should be provided; and these objects—the better, the more wholesome, and the more moral rearing of poor children—may, it is believed, be secured by such enactments as the following Bill embodies:—

A BILL

TO ENABLE BOARDS OF GUARDIANS IN IRELAND TO MAKE PROVISION FOR THE MAINTENANCE OF POOR ORPHANS AND OTHER YOUNG CHILDREN IN FAMILIES.

WHEREAS it is expedient that boards of guardians of Poor Law unions in Ireland should be empowered to make provision for the care, maintenance, and education of poor orphans and other young children in families, in the same manner as is now done by various charitable associations in that country, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:

Power to boards of guardians to place children under seven years of age in families of same religion, to be reared under superintendence of religious or charitable societies or individuals.—I. That whenever any religious or charitable association or institution, or any clergyman or clergymen, or other person or persons, being resident in any Poor Law union in Ireland shall certify to the board of guardians of such union that any head of a family resident in the same union is a fit and proper person to be intrusted with the care of any child under the age of seven years being an inmate of the workhouse of such union or entitled to admission therein, and shall undertake to watch over the rearing, maintenance, and education in such family of such child, it shall be lawful for such board of guardians to pay such head of a family, at such periods as may be agreed on, any sum or sums of money which shall appear to such board of guardians necessary and sufficient for the due care, maintenance, clothing, and education of such child, and to charge the same upon the rates collected in such union. Provided always, that no child shall be relieved as aforesaid out of the said workhouse except upon the certificate as aforesaid signed by a person or persons, and in a family of the same religious persuasion as that to which such child shall belong. Provided also, that it shall not be lawful to relieve any such child out of the workhouse after he or she shall have attained the age of fifteen years.

Power to members of boards of guardians and to officers selected by them to visit any family in which a child is so relieved, and to report to guardians, who may remove child.—II. That it shall be lawful for any guardians of such union and for any officer of the union empowered by the board of guardians in that behalf, to inquire into the condition and treatment of any child so placed in a family to be relieved, and to report upon the same to the board of guardians, and it shall be lawful for the board of guardians upon any such report to terminate the agreement with the head of such family, and to remove such child from under the charge of such head of a family, and to place such child with any other head of a family so recommended as aforesaid, but subject to the like provisoes as aforesaid, or to readmit such child to the workhouse of the union as to such board of guardians shall seem expedient.

Power to religious and charitable associations or individuals to visit any family in which a child may be placed at their recommendation, and to report to guardians.—III. That it shall be lawful for any member of a religious or charitable association or for any clergyman, or other person or persons, to visit any family in which a child shall be placed on the recommendation of the association or institution to which such member shall belong, or on the recommendation of such clergyman, or other person or persons as the case may be, and to inquire into the condition and treatment of such child in such family, and to report thereon to the board of guardians who are hereby empowered to act on such report if they shall think fit, in the same manner as if it had been made by a guardian or officer of the union under the provisions of this Act.

Power to boards of guardians to apprentice children after twelve in same union, and with a person of same religion.—IV. That whenever any child relieved in or out of the workhouse of any union in Ireland shall have attained the age of twelve

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years, it shall be lawful for the board of guardians of such union to apprentice such child to any trade, occupation, or business, and to pay at such times and in such proportions as to such board of guardians shall seem fit, any sum or sums of money which may be necessary as an apprentice fee with such child, and to charge the same to the funds of the union. Provided always, that it shall not be lawful to apprentice any such child to any person who shall not be resident within the union, or who shall be of a different religious persuasion to that to which such child may belong.

Power to board of guardians aforesaid to defray expenses of proceedings for protecting apprentices.—V. That in case it shall appear to the board of guardians necessary and expedient to institute legal proceedings for the purpose of breaking indentures of apprenticeship which may have been entered into as aforesaid, or of transferring the same, but subject to the like provisoes as aforesaid, or of prosecuting any master or mistress who shall appear to have been guilty of misconduct, with regard to such apprentice, it shall be lawful for such board of guardians to take any steps in that behalf as they shall think fit, and to charge the expense of the same to the funds of the union.

Cost of relief to be charged in the same way as if child had been an inmate of the workhouse.—VI. That all expenses incurred under this Act in respect to any child shall be considered as relief given to the person who under the provisions of an Act passed in the second year of the reign of Her present Majesty, intituled An Act for the more effectual Relief of the Destitute Poor in Ireland, shall be liable to maintain such child, and that except as hereinbefore is provided, all expenses incurred under the provisions of this Act shall be charged in the same manner as if any child so relieved out of the workhouse of such union had been relieved as an inmate of the workhouse of the same.

Provisions of 10 *Vict. extended to enable guardians to relieve widows with one child out of the workhouse.*—VII. And whereas under an Act passed in the tenth year of the reign of Her present Majesty, intituled An Act to make Provision for Relief of the Destitute Poor in Ireland, the guardians of the poor in every union in Ireland are empowered to relieve either in the workhouse or out of the workhouse, as to them shall appear fitting in each individual case, destitute poor widows having two or more legitimate children dependent upon them, and it is expedient to extend the powers of boards of guardians in that behalf to destitute poor widows having only one legitimate child dependent upon them, Be it enacted that it shall be lawful for the board of guardians of every Poor Law union in Ireland to relieve either in the workhouse or out of the workhouse, as to them shall seem fitting in each individual case, any destitute poor widow having only one legitimate child dependent upon her for support, and all the provisions of this Act with regard to the apprenticing of poor children shall, subject to the provisoes hereinbefore expressed and contained, extend to the children of widows relieved in or out of the workhouse under the provisions of the said last recited Act or of this Act.

Acts in force for relief of poor and this Act to be construed as one Act.—VIII. That the Acts now in force for the relief of the destitute poor in Ireland and this Act shall be construed as one Act, except so far as the provisions of any one of such Acts may alter the provisions of any previous Act.

Act may be amended in this Session.—That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

On the Superior Economy of Administration of Voluntary as distinguished from Legal Charity. By Myles O'Reilly, B.A., LL.D.

In all European countries two systems exist of administering relief to the mental and material wants of those dependent on others for that relief.

One is by the action of the community making the obligations of charity binding upon all; by levying taxes for charitable purposes, and administering their proceeds by State machinery. The other

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is by the action of individuals; taking up the cause of the needy, appealing to the voluntary offerings of the charitable, and administering those offerings by voluntary machinery.

The former may be designated legal charity; the latter voluntary.

In almost all countries, and at all times, they have both existed, though in different proportions: formerly most reliance was placed on the latter; now the former is more trusted to. Each has its advantages. Legal charity presents the advantages of greater regularity, greater certainty, and the fact that all contribute more nearly in proportion to their means.

Voluntary charity, on the other hand, has more activity, more adaptability to the ever-varying needs of mankind, and more life.

The respective merits of these two systems have been frequently and ably canvassed; and I do not aim at going over ground which has been so well discussed. I seek only to draw attention to one quality, not, I believe, hitherto scientifically treated of, which distinguishes voluntary from legal charity—that is, its superior economy of administration.

And here I must premise, that if I be right in the deduction which I draw from a large comparison of facts, not only have I no intention of imputing blame to the administration of the legal charities instanced, either in this or other countries, but the facts themselves refute any such imputation. If only one legal charity be compared with one voluntary one, and the former prove to be more expensive in its administration, we might be tempted to deem it a fault in the former; but if on examination of numerous similar charities in various countries the legal prove invariably more expensive in administration than the voluntary, the scientific observer will conclude it is a law of their nature, the causes of which must be as general as its existence.

The law, then, as we may call it, which I believe exists is this:—

The administration of legal charities is more costly than that of voluntary ones.

This fact had frequently attracted my attention as a phenomenon in various instances, in various countries of Europe; and as shown in many works, amongst others, Senior on foreign poor laws,* where it appeared that when the administration of poor relief was confided to voluntary associations or boards, it was most economically administered, as in Chamberry (p.187,) Nantes (p.164,) Venice (p. 187.) But whilst engaged in collecting statistics to determine whether it amounted to a regular law, I found that the Belgians (whom I hold to be amongst the first of practical statisticians) had fully gone into the question, and collected such a mass of facts as to wholly set the question at rest as regards their own country.

I shall, then, first bring under your notice the mass of facts they have accumulated, and then examine how far the more limited inves-

* Statements of the Provision for the Poor and Condition of the Labouring Classes in a Considerable Portion of America and Europe. N. W. Senior. London, 1853.

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tigation I have been able to make in these countries agrees with what has been ascertained.

The facts relative to Belgium to which I wish to call your attention are contained in the "*Rapport sur l'Etat d'Administration dans la Flandre Occidentale fait au Conseil Provincial dans sa Session de* 1859 *par la Députation Permanente.*"

The chief institutions of charity may be divided into—1st. Hospitals for the relief of the sick; 2nd. Hospitals or almshouses for the aged and infirm; 3rd. Orphanages; 4th. Institutions for the relief of paupers; 5th. Schools.

We shall take each separately.

1. Hospitals for sick:—

Returns from thirteen *Hospices civils*, or legal hospitals, show the cost of a patient per day to vary from 1f. 25c., or 1*s.*, to 75c., or 7½*d.*, the average being 11½*d.*; whilst in hospitals managed by various charitable confraternities, *Bureaux de Bienfaisance*, the cost varies from 1f. 10c., or 11*d.*, to 20c., or 2*d.*, the average being 60c., or 6*d.*, the difference in economy being more than 40 per cent.: whilst as it appears that in the voluntary hospitals there is an average of one religious attending on eight sick—a much higher proportion of nurses than exists in the others—the superior relative economy of administration is still greater.

2. Hospitals or almshouses for aged and infirm. In nine legal establishments (*Hospices civils pour Vieillards*) the average cost is 50c. per day.

In thirteen free almshouses the average cost is 46c. per day, or an economy of 10 per cent.

3. In four legal orphanages the average is 48c. per day. In thirteen free orphanages the average is 25c. per day, being an economy of 45 per cent.

4. Institutions for the relief of paupers. Here the comparison is more difficult to institute. Out-door, or casual relief, of course forms no subject of actual comparison; and we are, therefore, compelled to compare the cost of a pauper in the *Dépôt de Mendicité* with the aged in almshouses and with orphans; the treatment in both of these classes of institutions being better than that in the poorhouse, or *Dépôt de Mendicité.* The cost, however, is not greater, but rather less.

The cost of a healthy pauper in the *Dépôt* is 45c., or 4½*d.*; of an infirm pauper, 52c., or 5¼*d.*; of the aged poor in free almhouses (who may be classed with infirm paupers) is 46c., or 4½*d.*, instead of 5¼*d.*; of an orphan, 25c., or 2½*d.*, against 4½*d.* for a healthy pauper.

There is another free institution with which the legal *Dépôt de Mendicité* might be compared; it is the institution of the *Petites Sœurs des Pauvres.* But as these religious support the paupers under their care almost entirely on the scraps and refuse food which they beg through the town and cook themselves, the cost per head is almost inappreciable, amounting to only some £2 a year instead of £7 10*s.*

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So far we have examined only the cost per head, without inquiring under what head of expenditure the economy arises: those, however, who know the institutions will not require to be told that the economy of the hospitals managed by religious, or by charitable persons, is not practised in the food or comfort of the inmates. A Government return, however, for all Belgium makes this clearer.

This return states: One sick or infirm person in a legal institution cost an average of 225f. 90c., or £9 per annum; whilst in free institutions one cost 170f., or £6 16*s*.

Also, that the average cost of administration in the legal institutions is 39 per cent., and only 25 per cent. in the free, or an economy of administration in favour of free or voluntary institutions of 15 per cent.

We will now proceed to examine the returns from schools.

It appears from the same Governmental returns, that in legal primary schools (*écoles primaires de l'état*) each scholar costs for teaching 9f. 16c., or 7*s*. 7*d*. per annum; whilst in the similar free schools, each school costs 10f. 35c., or 8*s*. 7*d*. per annum; showing an economy of 1*s*. per annum in favour of the legal schools. But when we come to examine the amount of teaching-power supplied this advantage vanishes, as in the *legal* schools there is one teacher to every sixty-nine pupils, whilst in the free schools there is one teacher to every thirty-eight pupils; thus, for a very small increase in cost, there is double as much instruction.

Such are the results of these statistics carefully collected, with the assistance of the Government, over a whole country one of the best administered in Europe. They clearly show, I think, that we may look upon it as a law of their nature, that "legal" charities are more costly in the administration than free or voluntary ones.

And here it may be worth while to remark, that the free institutions of Belgium embrace every variety of administration; many, no doubt, are served by persons bound by religious vows, by sisters of charity others—and their economy may be attributed to this fact; but many also are administered by charitable lay persons.

Coming to examine the facts in England and Ireland; I have no longer such an accumulation of instances to offer you; for no private person could collect such a mass of statistics; yet the instances I will bring forward strongly corroborate, I think, the conclusions to which the Belgian inquiry has led us.

As to hospitals, I have not been able to obtain any such precise details as would be fit to be laid before you; but I trust, on a future occasion, to be prepared to do so.

2nd. Almshouses or asylums for aged and infirm.

3rd. Orphanages: these had better be taken together, for the reason that the only legal asylum provided in Ireland for the aged and infirm, the blind, the deaf and dumb, and orphans, is the poorhouse. Hence, the comparison must be instituted with the average cost of poor relief.

And I will at once state that the actual cost in many of our volun-

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tary or free asylums is greater than in the poorhouse. Legal relief is the minimum necessary, and follows the rule of not making the recipient better off than the poorest person outside. Voluntary institutions, not bound by law to receive an inmate, and giving relief to those only whom they know, by other means, to be deserving, naturally treat their inmates much better, and with much more regard to their infirmities.

But when we come to examine the distribution of the cost, we find far greater economy of administration—above all, when we take into account its nature—in the free institutions.

To take the Poor Law, or legal charity, first.

The average cost of a pauper in Ireland is given somewhat differently in different parts of the Commissioners' Report for 1860, (pp. 74—146,) but the following calculation is, I believe, accurate:—

The cost of a pauper per annum is—

	£	s.	d.
Food	5	4	0
Clothing	0	15	0
Sundries	0	15	0*
Salaries	3	7	0
Total . . .	10	1	0

And on administration is 35 per cent.; and this agrees with the fact, that in sixty-three unions the establishment charges were more than one-third of total expenditure.

Turning now to free institutions. I have taken four orphanages: Liverpool Female Orphanage; St. Vincent's Female Orphanage, North William Street, Dublin; Denmark Street Male Orphanage, Dublin; and Vincentian Male Orphanage, Glasnevin. The cost varies from £8 10*s.* 4*d.* per annum (St. Vincent's Female) to £11 14*s.* 3*d.* (Vincentian Male;) but whilst in the former the whole cost of administration, including all office expenses, is only 12½ per cent., in none is it more than 20 per cent., contrasted with 35 per cent. in the Poor Law: in other words, out of every shilling spent upon the pauper, he receives only eightpence, whilst in these orphanages, (and they are fair samples,) the orphan receives directly tenpence; and if we reflect that for the other twopence he receives a first-rate moral and literary education, and care equal to that of a parent, and contrast that with the supervision of a poorhouse master, and the teaching of one teacher to some hundred children, the contrast will be still more striking.

The two noble asylums for Catholic deaf and dumb which have lately been erected in our city cannot, of course, compete in economy with a poorhouse, as their unhappy inmates must be treated far differently from able-bodied paupers. They are almost all infirm in health, and their dietary requires to be superior; their super-

* That is, fuel, lights, medicine, funerals, &c.

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intendence and teaching is most troublesome, and requires a very large staff; yet, taking this into consideration, they will contrast advantageously with the poorhouse in the point we are examining—viz., cost of administration.

Taking the average of the two institutions, the cost per head per annum is—

	£	s.	d.
Food	8	15	4
Clothing	2	1	10
Sundries	2	0	0
Superintendence	3	10	0
	£16	7	2

This would give administration as 22 per cent. instead of 35 per cent. in a poorhouse; but when we consider that the salaries of the special teachers for the deaf and dumb amount to £2 8*s.* per head, the ordinary cost of administration is only 7 per cent. against 35 per cent.

St. Mary's Asylum for the Blind shows a nearly similar result, viz.:—

	£	s.	d.
Food	9	2	6
Clothing	2	6	0
Sundries	2	0	0
Superintendence	2	15	0
	£16	3	6

Or 17 per cent. against 35 per cent. in a poorhouse.

With regard to the fifth head of the Belgian inquiry—schools—I have not as yet been able to collect sufficiently accurate statistics to be laid before you, although I have good reason to believe that free education will prove in Ireland as in Belgium, at once more effective and more economical than legal. And I beg to say I shall feel deeply indebted to any one who will furnish me with any statistics on this point.

There remains one other subject to which I wish to call your attention, as it not only illustrates and corroborates the economic law we are investigating, but also tends to put in a strong point of view the value of institutions in which we are all deeply interested—I mean reformatories.

I have compared the cost of administration in our Irish convict establishments—and I believe I may safely say they are some of the best managed, certainly the most successful, in the empire—with the cost of administration in voluntary reformatories, and I find the same result.

I have only been able to obtain accurate returns from two—St. Kevin's Male and Spark's Lake Female Reformatories—and these I have compared with our convict prisons—Spike Island, Mountjoy, Parkhurst, and what perhaps forms the fairest comparison, as its

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discipline is that of a reformatory not a prison, Smithfield and Lusk Intermediate. I must premise that in these calculations I have excluded rents, taxes, (when paid,) expense of building, gratuities or outfits to discharged prisoners, and confined myself to the four constant items: food, clothing, sundries, viz., light, fuel, medicines, school requisites, and salaries.

The result is as follows, per head per annum:—

1.—Mountjoy (Male.)

	£	s.	d.
Food	8	16	0
Clothing	2	12	0
Sundries	2	1	0
Salaries	15	0	0
	£28	14	0

Salaries 55 per cent.

2.—Spike Island.

	£	s.	d.
Food	9	2	0
Clothing	2	2	0
Sundries	3	1	0
Salaries	12	0	0
	£26	5	0

45 per cent.

3.—Parkhurst in 1849.

	£	s.	d.
Food	6	7	8
Clothing	1	6	8
Sundries	2	0	0
Salaries	8	10	0
	£18	4	4

45 per cent.

4.—Smithfield and Lusk.

	£	s.	d.
Food	11	15	0
Clothing	2	0	0
Sundries	3	1	0
Salaries	14	0	0
	£30	16	0

45 per cent.

With these four may be compared—

St. Keven's Male Reformatory, Glencree.

	£	s.	d.
Food	7	9	6
Clothing	3	6	3
Sundries	1	14	6
Salaries	5	6	6
	£17	16	9

Salaries only 30 per cent.

Of course it is to be remarked that in the prisons, with the exception of the intermediate one, a portion of the cost of salaries is for absolute guarding of the prisoner, but this is abundantly compensated by the larger number of inmates (four times that in the reformatory;) and I must add that, in point of fact, the real amount expended on superintendence is much less even than this 30 per cent., as appears by the following extract of a letter from the Rev. Superior:—

"The amount for salaries has been made purposely high, but the

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money has been expended almost entirely in defraying the cost of building and works now in progress, scarcely anything beyond the sum for the clothing of the staff having been taken."

Mountjoy Female Convict Prison costs the least for salaries of any of our convict prisons. The return is:—

	£	s.	d.
Food	8	0	0
Clothing	1	8	8
Sundries	6	14	4
Salaries	8	0	0
	£24	3	0

Salaries being only 33 per cent. of the expenditure; but when we come to compare this with the newly-founded and struggling reformatory of Spark's Lake, we find a difference of 13 per cent. in favour of the latter, the return being:—

	£	s.	d.
Food	7	11	8
Clothing	2	4	5
Sundries	2	3	3
Salaries	3	16	3
	£15	15	7

Salaries only 20 per cent.

These returns not only go to prove that the same economic law in favour of voluntary over legal charities exists here as in Belgium, but are also, I think, highly satisfactory, as proving to the public that it is more economic to reform our young criminals in reformatories than in prisons; and that excellent and successful as the institutions under Captain Crofton are, reformatories are still better.

Thus far I have examined the facts; the causes must be, to some extent, objects of speculation. But I would observe that, to afford a satisfactory solution, the causes assigned must be as general as the results attributed to them. Each individual case will have its peculiarities; but we should not let these divert our attention from the general result.

If I may venture to speculate on this subject, I would suggest three leading causes for the result observed, and I would assign the largest share to the last.

1. There is the greater freedom of action and adaptability of a voluntary organization. Less tied down by rules and public regulations, it can practise more economy in the adaptation and uses of its staff.

2. There can, I think, be traced in most voluntary organizations a desire to make the money, acquired with difficulty, go as far as possible, whilst, on the other hand, may be perceived a certain inevitable

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tendency to draw freely on the public treasury, and a disposition to regard rather completeness of organization and a good scale of remuneration than a close economy.

3. And above all, is the great fact, covering the whole ground, that legal institutions must pay for that zeal and devotion which is is given gratis to voluntary ones. Legal institutions comprise amongst their staff men and women of the very highest capacity and zeal; but they are paid according to those qualities, and it would be unjust and absurd that they should not be so paid. Voluntary institutions are served for other and higher motives, and their most efficient agents frequently cost nothing but their bare maintenance; sometimes not even that. Such, for instance, are the hospitals served by religious communities and devoted ladies. The salaries, if we may so call them, of Miss Nightingale and her companions in the Crimea were far below those for which nurses could be hired. St. Vincent's and Jervis Street Hospitals could not obtain for many hundreds a year such a staff of nurses as they have gratis, and the Limerick Board of Guardians only availed themselves of a well-known means of economy, as well as efficiency, when they obtained the attendance of religious nurses at £20 a year, superior to any they could reasonably expect to secure otherwise for double the salary. This principle extends farther than even the case of persons absolutely devoted to a life of charity from religious motives. All zealous and devoted persons give their services to voluntary institutions of their choice without regard to the salary, and the very committees which manage such institutions, and to which men in business and others give their time and attention, represent a monied value of service which sensibly diminish the cost of administration.

In conclusion, I would remark that the facts we have observed teach us some practical conclusions of value. They teach us the class of objects which are best attained by free agency, and the advisableness of extending its action, even by indirect legal assistance. For it is to be observed, that institutions do not necessarily lose their free and voluntary character by the receipt of any public money, provided that the assistance given has no relation to the administration. Thus a reformatory is essentially a free institution although a fixed sum be paid for the maintenance of its inmates.

The poor administration of this country is often greatly blamed; perhaps for faults inherent in its nature as a legal institution; probably in no way could the treatment of idiots, the blind, deaf and dumb, and orphans, be so well ameliorated as by allowing boards of guardians to pay a fixed sum for their maintenance to institutions where they would be treated with Christian, not legal charity.

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MISCELLANEOUS.

On One Source of Error in the Interpretation of Statistics. By C. Mansfield Ingleby, LL.D.

THERE is a school of philosophy founded, or at least claiming to be founded, on the results of modern physical science, in which the responsible will of man, as opposed to nature—that is, the spiritual being of man—is regarded as a chimera, of the existence of which we have no proof, and of the non-existence of which we have a considerable amount of probable evidence. If this be the fact it is plain that from the earliest times our legislators have been under a strange and momentous delusion; and that a criminal, so far from being amenable to punishment as such, is mainly or even entirely an object of pity as the victim of physical causes over which he had no control. If the adherents of the positive school be right the majority of mankind are utterly wrong, and our criminal code is a mere relic of barbarism, which, it is to be hoped, changed circumstances will in time change to a mere sanitary system analogous to those of our hospitals and asylums.

Writers who ignore the will are not quite agreed as to the grounds upon which its existence is to be rejected. Some adopt "necessity" as an axiom and interpret science by it. Others derive that doctrine from statistics. The will it is said, if it really existed would introduce a capricious element into the returns of the statistics of human actions, which returns would accordingly manifest the presence of the will by their irregular and anomalous results. But statistics exhibit no such caprice. Its results are almost as regular as those of physical science. Therefore it is concluded there is no such thing as free will.

That statistics show no trace of free will seems to be admitted even by those writers who believe in it;—such as M. Quetelet and Mrs. Somerville. "The free will of man" says the latter writer, "nay, even his most capricious passions, neutralize each other, when large numbers of men are considered. Professor Quetelet has most ably proved, that the greater the number of individuals, the more completely does the will of each, as well as all individual peculiarities, moral and physical, disappear, and allow the series of general facts to predominate, which depend upon the causes by which society exists and is preserved." (*Phys. Geo.*, 1849, ii. p. 382.)

Mr. Buckle hardly goes the length of deducing his views respecting the will from statistics. With him it is rather a foregone conclusion that there is no such a principle as free will regarded as "a cause of action residing in the mind and exerting itself, independently of motives." (*Hist. of Civil.*, 2nd Ed. i. p. 17.) He

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holds also that "the actions of men being determined solely by their antecedents, must have a character of uniformity, that is to say, must under precisely the same circumstances always issue in precisely the same results." (*Ibid.* p. 18.) It is these opinions Mr. Buckle considers as confirmed by the results of statistics.

To say that "the actions of men are determined solely by their antecedents" may be true or false, according to the meaning attached to the word "determined." A physical cause determines its effect. If the word "determine" be used by Mr. Buckle in that sense, I must be allowed to say that neither he nor either of the Comtes whom he deferentially follows have furnished us with any evidence in proof of the hypothesis that motives of action are strictly analogous to physical causes. If, as I believe, there is no such strict analogy there can be no contradiction involved in admitting that the will of man is, in a sense, always determined by motives, and at the same time declaring a belief in the will as a principal and general "cause of action exerting itself independently of [particular] motives."

The question, then, remains—to determine, whether the returns of statistics afford us any grounds for indorsing the opinions of Mr. Buckle. One thing is plain: if Mrs. Somerville be right Mr. Buckle is wrong. Mrs. Somerville indeed believes in free will, and Mr. Buckle does not; but I am not referring to that fundamental difference. Let us, if you like, relegate the question of free will or no free will to metaphysics or theology. Still Mrs. Somerville holds that if man have free will the tables of statistics, by considering mostly large numbers of men, necessarily have the effect of neutralizing the effects of his free will so that they cannot appear there at all. If this opinion be correct it is plain that such tables cannot be fairly appealed to in confirmation of any foregone conclusion that man has not free will.

But is it not an exaggerated view of the regularity of the numbers in statistical tables to speak of their results even as Mrs. Somerville does, as exhibiting an almost incredible uniformity, where we might have expected the wildest caprice? There are two ways of obtaining a regularity in the numbers. The one is by a discreet choice of the periods during which the events are to be compared. The other is by sinking the numbers furnished by fact, and in their place giving the averages. But both these methods are procrustean. Doubtless you may find any uniformity in your tables which you have taken due care to put there. To cite that uniformity as a proof of the events being due to uniform causes is as logical a procedure as to cite the uniform heights of pollards in proof of a law of nature which confines their growth within small fixed limits. Supposing that there is a normal number which a certain number of men would produce in equal times, all accidental, intermittent and periodical causes being eliminated (and this supposition is made only for the sake of argument), it may be granted that the statistics of a certain class of actions will exhibit a near approach to the manifestation of that normal number by the process of "lumping" through

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long equal periods, and that simply because the larger is the gross number of events in any period the more perfectly are accidental causes eliminated. But it is only accidental causes which tend to balance each other in the long run, and the fact that they do so Mr. Buckle rightly considers "the sole foundation of the accuracy obtained by striking an average." (*Hist. of Civil.*, 2nd Ed. i. p. 400.)

Now it often happens that the operation of a constant cause produces a greater number of differences in excess than differences in defect, or *vice versâ:* and in such cases the average, or arithmetical mean, is not the true mean, or normal number, and recourse must be had to a subtler process of analysis which is furnished by the calculus of probabilities. In all tables of human events the fluctuation of the amount of population is a constant cause operating generally in augmentation of the numbers of events, inasmuch as populations for the most part increase, and that very rapidly. It is, however, generally easy as it is customary to clear the tables of this source of differences. Still in statistics of a class of men it is not always feasible or important to determine the reduction due to this cause. The returns of the General Post Office, showing the annual number of undirected letters afford in Mr. Buckle's hands an argument against free will. But here Mr. Buckle has committed a puerile oversight: for, inasmuch as the persons who committed the mistake of posting their letters without addresses did not do so intentionally, it is obvious that no regularity in the annual number can be the ground of any conclusion respecting their free agency; for by the nature of the case their free will was not involved in the acts in question.

In the returns for 1846—1850 (inclusive,) showing the annual number of suicides in London, we have a maximum in the year 1846, and a minimum in the year 1849; while the number which happened in 1848 was but little above the mean. The maximum exceeds the mean by a little less than one-tenth, while the minimum falls short of it by a little less than one-eighth. This maximum is attributed by Mr. Buckle to the railway mania. Now this table is one of Mr. Buckle's strongholds. The suicide, he contends, is "cut off from foreign disturbances," whereby his free will, if he had one, would manifest itself most unmistakeably in his self-destruction. But surely here is a gross mistake. It is a widely-appreciated fact that a majority of these acts are performed under the influence of mental alienation which assaulting the will from within may and does often totally destroy it; whereas those external associations from which the suicide is cut off could at most do no more than hamper its operation. But further, the table in question is too small, and besides is open to the suspicion of inaccuracy on account of the difficulty of ascertaining whether in particular cases the death was voluntary—a difficulty especially besetting cases of drowning; and this Mr. Buckle points out, though he hardly makes a fair use of the fact. However, such as it is, let us see what these numbers, assuming their sufficiency and

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correctness, are capable of telling us. We must first calculate a table showing the percentages of deaths and suicides on a population of 100,000. The following is the result :—

Year.	Percentages of Deaths.	Percentages of Suicides.
1846	2,366·583	12·559
1847	2,728·959	11·815
1848	2,607·425	11·148
1849	3,036·288	9·450
1850	2,118·838	9·898
Means	2,570·617	10·974

This table furnishes us with two striking facts. 1. The maximum number of deaths occurred in 1849, when there was a minimum number of suicides. It might have been anticipated that many of those physical causes which produce death would have a direct tendency to produce suicide, as in the case of a man prone to self-destruction consummating that act under the pressure of that debility and irritability which are so commonly the legacy of long sickness. Our tatable not only disappoints this anticipation, but seems to teach that there is an inverse proportion between the number of deaths and the number of suicides. This, however, I conceive to be a hasty inference from figures which may afford us a formula comprehending the facts but certainly not a law governing them.

2. The other remarkable fact we derive from this table is, that the maximum and minimum of the suicides is anterior to those, respectively, of the deaths. The maximum of the deaths was, in 1849, that of the suicides in 1846. The minimum of the deaths was, in 1850, that of the suicides in 1849. This at least points out an intermittent cause of suicide which does not tend in anything like the same degree, if at all, to produce deaths of other kinds. Is a monetary crisis such a cause? I am not prepared with an answer. At least it is conceivable that a genuine motive to self-destruction, not springing from disease, might account for the curious fact in question. If so ought we not to pause before we indorse the sweeping views and slashing criticisms of Mr. Buckle on the returns of suicides for the metropolis during so small a period as five years?

It may indeed be questioned even by one who believes in free will whether its action is ever capricious. Action founded on free acts may be so. In rude times when the husbandman determined whether he should take arms by throwing his spade into a tree his

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future career of glory might turn on a pure accident. When Rousseau satisfied himself of his salvability by casting a stone at a tree his future peace of mind sprung from an accident affecting a disposition prone to superstitious crotchets; and when Göethe flung his pocket knife at the river Lahn to decide whether he should prosecute art as a profession, if the trial had not left him in doubt we might have traced his literary future to a mere chance. The events in such cases are indeed capricious, and actions founded on them are so far accidental. It is just such actions which in the long run neutralize each other and do not show their trace in the returns of statistics. But all resolutions of the will in obedience to the voice of duty or emotion, though not the results of physical causes, may manifest themselves by the regularity of their issues; and thus in the hands of men who reason upon a "foregone conclusion" may be made to appear as if they were the effects of natural necessity.

On the Law of Fluctuation of Wages. By Professor Hennessy, F.R.S.

Although labour, as well as the products of its application, fetches a price depending upon supply and demand, it may be useful to inquire into the relations that should exist between the fluctuations of wages and those of the prices of articles for the production of which wages are paid. It is true that, in general, employers endeavour to obtain work at the lowest rate, and workers strive to obtain the highest wages for their work, but yet it is possible to conceive the existence of a law to which the demands of both worker and employer should be as much as possible strictly subordinate. This law I now propose to develop.

The problem which is to be solved admits of a simple exposition and solution by the aid of symbols, and it forms an illustration of my general views as to the application of symbolical notation in social science.* For the present, I confine myself to the consideration of wages paid by manufacturers, and for the sake of clearness the problem is supposed to refer to a single establishment. The total incoming received by such an establishment must go to provide four principal classes of expenditure connected with the establishment:—1. The payment of wages to workmen. 2. Payment to the proprietor for his superintendence and for his abstinence in employing his capital in such a pursuit in preference to any other, as well as for the risk of loss he may encounter. 3. Raw materials. 4. Payment of expenditure independent of the three first, such as rent, insurance, &c. The first may be called the portion of the incoming due to labour; the second, the portion due to capital; the third, that due to material; the fourth, the independent portion. The independent portion is liable to little fluctuation. It is nearly fixed, and its

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* See p. 390 of the present volume.

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average amount can usually be very approximately estimated. If we assume this average as the independent expenditure, a first solution of the problem is easily obtained. Let it be also admitted that the portion due to capital and the portion due to labour should equitably maintain a constant ratio, so that if one is raised or lowered by a certain percentage, the other should be raised or lowered by the same percentage. The question before us is to find the augmentations or diminution of the portions due to labour and capital, by a given increase or diminution of the total incoming of the establishment. Let a represent the average percentage of incoming that goes to the payment of independent expenditure, b the percentage due to labour, c to capital, d to raw materials, under circumstances of a normal kind.

So that we shall have $a + b + c + d = 100$. Let l represent the increased or reduced percentage in the marketable value of the products of the establishment; x y and z the percentages due in consequence of such increase or decrease to labour, capital, and raw materials respectively; then we shall have

$$a + x + y + z = 100 \pm l, \text{ or } x + y + z = b + c + d \pm l.$$

Although we cannot assume any continuous law between the price of raw materials and that of the finished product, yet such a relation does approximately exist. Increase or decrease of market value of the products will tend to increase or decrease the price of materials as well as that of labour. Let us assume that the increase or decrease of the two former are proportionate, then we shall have $\frac{x}{y} = \frac{b}{c}$ and $\frac{a + x + y + z}{z} = \frac{a + b + c + d}{d}$. Hence, and finally, $z = d$

$$\left(1 \pm \frac{l}{100}\right) x - b = \left\{\frac{1 \pm l\left(1 - \frac{d}{100}\right)}{b + c}\right\}, y = c\left\{\frac{1 \pm l\left(1 - \frac{d}{100}\right)}{b + c}\right\}$$

From these expressions it immediately follows that the fluctuations in the sums due to labour and to capital respectively, owing to fluctuations in the total incomes, should be a little greater than the latter class of fluctuations. Thus, if the incoming of an establishment suddenly falls, from a diminished price in the articles produced, the wages of labour should fall a little more in proportion. If the incoming should increase, the wages of labour should be increased in a proportion slightly greater. Let us suppose the latter case, and let m represent the increased percentage of wages thus produced, then $\frac{m}{100} = \frac{x - b}{b}$. Hence $m - l = \frac{100\,(x - b) - b\,l}{b}$, and substituting the value found for x, we have, after final reduction, $m - l = \frac{(100 - d)}{b + c}$ and $m - l = \frac{a\ l}{b + c}$, a quantity which is always positive. Let $a = 10$, $b = 50$, $c = 20$, $d = 20$, then $m = \frac{8}{7}\,l$, if the incoming rose 20 per cent. wages should rise 22⅞ per cent.; that

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is, a man who receives 20*s.* a week should now receive not 24*s.*, but 24*s.* 5¾*d.* nearly. Under the same circumstances, with a fall instead of a rise, wages of 20*s.* should be reduced not to 16*s.*, but to 15*s.* 6¼*d.*

It follows from the whole of the preceding discussion that the fluctuation of wages should be greatest when the proportions of the incoming due to raw materials and to independent expenditure are large. The minimum fluctuations would be in a case where (if such were possible) nothing were due to raw materials nor to independent expenditure. In that case, $b + c = 100$, and $m = l$, or the fluctuation of wages, should be proportionate to that of values. Hence appears still more clearly than political economists have usually pointed out, the absurdity of any attempts at fixing wages according to law.

It is highly probable that both workman and capitalist would benefit if wages, instead of being fixed, were allowed to receive a similar subjection to natural causes as that which influences the fluctuations of capital and stock in the money market. Wages might thus be quoted as regularly under the head of prices current as any article that may result from the labour for which they happen to be paid. It may be objected to the occurrence of great fluctuations in wages, that low wages could arise, according to the law here developed, as the natural condition of payment for labour at a time when provisions may be dear. But the same law equally points out that wages should be high at some other period, and whenever this occurs savings should be laid by for periods of monetary pressure. Workmen must constantly practise this lesson of self-reliance and self-restraint if they wish to stand on the same footing as capitalists in the labour market. It is almost needless for me to add that the action of combinations and trades' unions must be highly injurious if they attempt to control the natural fluctuations of the labour market by any system of artificial constraint. In social as well as in physical phenomena we must ever bear in mind the Baconian maxim, that while we interpret nature we are bound to conform to her laws as closely as possible. If, as justly remarked by Mr. Potter in an able paper in the last volume of our *Transactions*, (p. 760,) a worker claims a share of the profits when these are rising, he must be equally ready to bear his share of the losses resulting from a falling market. Under such circumstances, he must be prepared to submit to a rapid reduction of wages, in strict conformity with the law which I have here endeavoured to exhibit. Employers, on the other hand, should be equally prepared to grant to workers that equitable increase in their share of the results derived from a rising market, as the best mode of securing a permanent good understanding between the two great classes upon whose harmony so much of our social happiness essentially depends.

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On Working Men's Reading Rooms, as established in 1848 *at Carlisle. By* Robert Elliott, M.D., M.R.C.P.

The difficulty so very generally experienced by the supporters of mechanics' institutes, of inducing men who are dependent for their subsistence on weekly wages to enrol themselves as members of some literary society, has apparently been satisfactorily disposed of at Carlisle, and, as may be presumed, the problem has been solved by the working classes themselves. These "working men's reading rooms" differ in many respects, and very materially, from mechanics' institutes so called: they differ in constitution, in mode of working, and in the objects sought to be attained. Many instances have occurred of men devoting themselves zealously to the attainment of one object—often a totally unattainable one—in pursuing which they were merely the instruments, in the hands of a higher Power, for working out some other end. We may see now, that thirty or forty years ago, and indeed much more recently, some dreaded, others hoped, that our mechanics' institutions were destined to transform our hewers of wood and drawers of water into such men as Hugh Miller and George Stephenson, or such as the Ayrshire Ploughman and the Ettrick Shepherd.

The addresses at annual meetings of mechanics' institutes teemed with proofs in point; ardent friends, liberal supporters of such admirable institutions, year after year, gave us speeches made up of materials gathered from some cyclopædia or biographical dictionary, to show to what eminence many men had reached from the lowliest beginnings. All this was done for the highly laudable purpose of encouraging young men in humble life to join at once an institution through the help of which, by its library and its lectures, they might eventually soar as high as any one. Neither the fact that the great geniuses whose cases they so repeatedly quoted were not made what they were by any such institution, but by nature, or rather by Providence; nor the fact that these well-appointed and well-directed institutions never in their entire history, and notwithstanding their ubiquity, supplied any but very rare and meagre cases for encouragement; nor the manifest unfitness of a popular library whose readers have no one to direct them in their studies, and of popular lectures, at once isolated and disjointed, as contrasted with the systematic instruction of our universities, our colleges, and our academies; such facts as these never seemed to open the eyes of our otherwise enlightened advocates of popular adult education. In all parts of the kingdom were our operatives annually treated to friendly rebukes for standing aloof from the literary and scientific fare so generously provided for them. Subscriptions were lowered, classes established, treats of various kinds devised, even prizes have been offered for the best essays to unravel the mystery. But, up to a dozen years ago (1848,) all seemed in vain. The fact is, that the young men of our middle classes, such of them as had received no university or collegiate education, flocked everywhere to the standards

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raised. The banquet was prepared for guests who did not come, and it has been richly enjoyed by others, who were never thought of until they arrived. A great work had been accomplished, but it was not the one projected. The middle classes had not been thought of, although so much in need of the very benefit so happily supplied; while the working classes, so earnestly cared for, had actually not been supplied at all! And why? whose fault was it? or was it anyone's fault? or was there any fault at all? Clearly none; there has been nothing to regret, and nothing to undo. It seems now clear,—first, that the habits and requirements of the middle and working classes are essentially distinct; secondly, that our mechanics' institutes (with the title of which we need not find fault) are tolerably well adapted for the middle classes, and but very indifferently for the vast majority of our labourers and artisans; and thirdly, that upwards of twelve years' experience enables us now to indicate with all reasonable confidence what must be the characteristics of an institution adapted to the wants of weekly wage men.

I may here premise that there never has appeared the least indication of antagonism between these reading rooms—six in number—and our mechanics' institute, which last, for a town of 30,000 population, is highly prosperous, always numbering from 400 to 500 members; while the working men's reading rooms, much more variable in their number of members, have usually about twice as many enrolled in the aggregate as our mechanics' institute, which, however, has never been in a more flourishing state than during the last twelve years.

The late James Wall, a journeyman printer, although comparatively young, was amongst the active spirits who, prompted by a thirst for knowledge, co-operated in establishing that germ which finally grew into the present reading rooms, and his essay, published in 1858, is of great value as coming from such a source.

He enumerates six principal objections to mechanics' institutions, as unfitting them to meet the habits and tastes of the labouring classes:—

1. That the management is not in the hands of mechanics.

2. Literature is restricted, in so far as party politics and sectarian religion (so much in favour with working men) are prohibited.

3. The institutes are only one in each town, and centrically situated, so that nearly the whole of the working classes would have a long way to go, and would have to spend time in tidying themselves up to associate with better-off people.

4. The mechanics' institutes are closed on Sundays, throughout the whole day, when working men have most leisure, and are not wearied with the day's toil, and when the tippling shop is, by a too partial law, permitted to be temptingly open.

5. That whatever instruction may be given is desultory and unconnected, and more scientific than elementary.

6. That the payments are taken quarterly, half-yearly, or annually, but not weekly.

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On the other hand, he finds that working men's reading rooms come recommended by the following features, not presented by mechanics' institutes :—

1. The working men's reading rooms are exclusively controlled by men dependent on weekly wages.

2. The members enjoy the desired freedom of reading books, as well as newspapers, on party politics and sectarian religion; and their submission is readily given to whatever rules or restrictions may be imposed by a majority of themselves.

3. These rooms being numerous in the town are various in principles and constitution, are in the vicinity of their dwellings, require no great preparation of dress, give to perhaps every member each his turn in the government,—thus imparting a sense of responsibility, cultivating habits of prudence and discretion, and fostering the vitally important qualities (so comparatively rare among the labouring classes) of self-respect and self-reliance, and building up an independence of character, a force of thought, a facility of expressing ideas, and sound business habits; all of which seem naturally to arise out of the fact of the institution being managed by and not for them.

4. They are open during the greater part, or the whole of the Sabbath-day, greatly to the improvement, in habits and respectability, of the great majority of the working classes, to whom the public-house is but too seductive.

5. In these rooms instruction of the plainest and most elementary kind is afforded, at appointed times; and as many of the members, on joining, cannot even read, provision is made for reading newspapers aloud at stated times.

6. That the payments are taken each week; and such of the members as may be temporarily, and for however long, unable to afford the weekly penny, are, by a fundamental rule, exempted from both payment and debt,—a rule that has been found to work most admirably.

7. The number and variety of reading rooms in a town afford an agreeable accommodation to men of different tastes and habits.

8. Committees are only elected for short periods, as for one month, or for three months, never for a year; in some cases, indeed, no committee is ever appointed, the duties, in such case, being satisfactorily to the members discharged by the members present at the time appointed for the meeting: and it is found that thus the trouble, the interest, and the acquisition of business knowledge and habits, are more generally diffused among the members of the institution.

9. All presents of books, or money, or newspapers, or of any other description, are to come freely and unconditionally.

10. All the property of the institution is invested in some popularly elected body—as in a town council or board of guardians,—to prevent dispersion or alienation of the same; and to guard against trustees who might, for want of a controlling power over them, ever in any way prove troublesome, or render the institution

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unpopular, by distasteful interference, or leave the office vacant by death or absenteeism.

Such is a brief outline of institutions that have now flourished so long as to remove them, quite equally with mechanics' institutions, from the list of mere experiments. They are, up to this date, as flourishing, and their members as hearty in the work, as ever they were at any period of their twelve years' existence. In two instances out of six, the members have, with a combination of discretion and enterprise, which a realized experience has endorsed as sound, obtained ground, and on it have erected commodious premises, such as might well, in either case, have amply sufficed as the mechanics' institute of the city. The Lord Street room was opened in 1851; and the other, the Caldergate room, in the present year, 1861. So extensively, yet profoundly beneficial, and withal so attractive and retentive, have these seemingly humble institutions proved in Carlisle, that it may with the strictest accuracy be said, that they are now an established necessity among our humbler classes. It is, as Mr. Wall warmly expresses himself, "a great victory to get men to pay a first visit to these reading rooms, and inhale their influence." Even free libraries, howsoever useful to the poor student, have not been found to meet the peculiar case of the great bulk of working men as these rooms have.

SOCIAL ECONOMY.

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Local Secretaries.

CONWAY E. DOBBS, ESQ.
MARK S. O'SHAUGHNESSY, ESQ.

In this Department are considered the various questions relating to Social Economics; the conditions of Industrial Success, whether of nations or individuals; Savings' Banks and Insurance; the relations between employers and employed; strikes and combinations; legislative interference with the hours and wages of labour; legislative regulation of professions, trades, and employment generally, and of prices and means of supply; emigration, its effect, and true conditions; exercise of public and private charity; relief of the poor; industrial employment of women; industrial and economical instruction of the labouring classes; public amusements; social economics in relation to education, &c.

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SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read in the Department:—

"The Building Strike in London, 1861." By Frederick Harrison.
"The Building Strike in Edinburgh, 1861." By Henry G. Reid.
"The Origin, Progress, and Recent Position of the Amalgamated Society of Engineers." By William Newton.
"The General Aversion of Employers to treat with the Representatives of their Workmen on Matters in Dispute." By the Glasgow Council of United Trades.
"The Logic of the Labour Problem." By John Scott.
"Labour in Connexion with Trades' Unions." By T. J. Dunning.
"The Sub-letting System in the Tailoring Trade." By James M'Carthy.
"The Irish Labourers in Liverpool." By Professor Shaw.
"Women's Work among the Female Peasantry of Ireland." By Mrs. Catherine Brougham.
"Condition of the Working Classes: their Habitations." By Rev. J. Banks Robinson.
"Report of the Society for Promoting the Employment of Women." By Jane Crowe.
"Female Compositors." By Emily Faithfull.
"Local Societies for Promoting the Employment of Women." By Jessie Boucherett.
"Remunerative Employment for Educated Women." By A. Overend.
"The Emigration of Educated Women: its Necessity, Practicability, and Advantage." By Maria S. Rye.
"On the Employment of Women." By Mrs. Bayley.
"The Advantages derived from Embroidery by the Employment of Women in the North of Ireland." By Daniel Sheriff.
"What shall we do with our Pauper Children?" By Mary Carpenter.
"The Sick in Workhouses." By Frances P. Cobbe.
"On Anonymous Publications." By Professor Hennessy.
"American Slavery and its Influence on Great Britain." By Sarah P. Remond.
"Continuation of an Account of Mr. Bianconi's Introduction and Development of Car-travelling in Ireland."
"On the Application of the Public Free Libraries' Act to Dublin." By F. W. Conner.
"Plans of Recreation." By Henry Solly.
"On Social Recreation; being an Account of the Glasgow Abstainers' Union." By P. E. Dove.

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CONDITIONS OF LABOUR.

The subject of trades' societies and strikes has been so fully discussed at the meetings of the Association, and the results of those discussions and of the labours of the Committee appointed to consider the subject have been so recently laid before the Association in a special report, that it is not thought necessary to publish at this time the papers on the subject contributed to the Dublin meeting, especially as it is probable that the subject will again be brought forward at the approaching meeting in London. The valuable papers of Mr. Harrison, Mr. Reid, and Mr. Newton, have therefore been referred to the Committee on the Conditions of Labour for further consideration. That Committee will also devote attention to the question of Apprenticeship, on which they hope to be able to present a report. The important evidence on this subject collected by Mr. Godfrey Lushington is therefore also postponed.

A paper was read from the Council of United Trades, Glasgow, "On the General Aversion of Employers to treat with the Representatives of Workers on Matters in Dispute." The object of this paper was to show that in trade disputes it was better that the working man, in negotiating with his master, should employ a qualified, independent, and comparatively dispassionate agent; that the delegates from the union are agents of this character; that they ought to be recognised by the employers; and that a refusal to do so is an injustice leading to strikes.

Mr. JOHN SCOTT, of Belfast, read a paper "On the Logic of the Labour Problem; or, the Production, Distribution, and Exchange of Wealth upon Equitable Principles." He submitted that the object to be aimed at in the production, in the distribution, and in the exchange of wealth, is to confer upon the greatest possible number of men, by these processes and pursuits, the greatest possible quantity of health and happiness; that is, of innocent pleasures, whether of the senses or of an intellectual and moral nature. Mr. Scott having defined wealth to be any desirable or useful object produced by labour, argued that sufficient stimulus, in the way of motive to action, must be always furnished to put the necessary labour, guided by knowledge, into motion to produce this wealth. The strongest stimulus that could be applied was the equitable distribution of the produce of labour, and perfect security in the entire use of the products of labour to those engaged in producing them. Co-operation alone could secure the entire use of the products of labour to those engaged in producing them. Having briefly considered some of the principal conditions upon which the increase and productiveness of labour power depend, Mr. Scott went on to show that increase of capital, or of the means adopted for the support of labour power, depended—first, upon the amount of the fund from which savings could be successfully made; and secondly, upon the strength of the

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desire or motive to save: and it was equally evident that the amount of this fund must depend on the efficiency of the labour power employed to produce it, and on the sobriety, temperate habits, economy, intelligence, and wisdom of the working classes. The only fund or source from which savings could be successfully made in the case of individuals, communities, and nations, was that portion of the periodical produce of labour which remains over after deducting what was found requisite for maintaining the productive operations of the country; that was, the fund remaining after deducting the means necessary for supporting the producers in vigour and health, and in replacing the materials, and keeping the fixed aids to labour, such as tools, implements, machinery, industrial buildings, and improvements in land, in their proper condition. This was the real net profit of the supported labour power of the population, and formed the only fund available for further production, for further saving, or for the unproductive consumption of the wealth producers themselves, and of the rest of society. Could not the whole of this surplus be saved, and applied to further production, and consequently to further saving? Co-operation was likely to give a practical answer to this question. The effective desire to save or to accumulate could only be generally developed by perfect industrial security, which security must comprehend and include the entire use of the products of labour to those who produced them, and this co-operation alone could effect.

Mr. T. J. Dunning read a paper on labour, as a commodity considered in relation to trades' unions, in which he observed that, in treating labour as a commodity, attention should be wholly confined to the fact that it was subject to a money value, differing in amount according to the demand for it in proportion to its supply, the same as commodities in general; in all other respects, it essentially differed from them. But it was beyond this point that the real difficulties of the labour question began, because among other complexities human labour could not be separated from its agency or its possessor, who though depending for his subsistence on the marketable value of his labour stood in other and important relations to the community at large as a being responsible to God and man, as a free citizen of the community, and as a husband and father. Formerly, during the existence of the old combination laws, this distinction between labour and every other commodity was ignored or recognised only to be put down by the strong arm of the law, and even now there is a tendency in some quarters to the same opinion and mode of action. This, however, as the subject is better understood, will pass away; and both employer and employed, as more knowledge of their position as buyers and sellers of this commodity is diffused among them, will see that their true interest is each to recognise and respect the rights of the other in its sale and purchase. It will doubtless still occur, where the right to combine is acknowledged, that the masters on the one hand and the men on the other will act

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unreasonably and unjustly each towards the other, but the universal acknowledgment of the fact, that labour is a commodity in the hands of free men, will, in time, smooth all these asperities, and, except in those cases in which men are determined to be unreasonable and unjust, both employer and employed will see that their only true interest lies in consulting the well-being each of the other and that each class will succeed best in promoting its own interest by carefully abstaining from injuring the other. An advantage gained by either class, at the expense of the other, is sure to have the injury it has done recoil upon itself.

Mr. JAMES M'CARTHY, Secretary to the Operative Tailors' Society, read a paper on "The Sub-letting System in the Tailoring Trade," in which he urged on the public the necessity of being cautious as to the employers to whom they gave their orders. He stated that many employers were in the habit of giving out work to be made up in the houses of the workpeople. Infectious diseases were thus often conveyed from the crowded and unwholesome dwellings of the workpeople to those of the customers. The moral and social condition of the workmen would be greatly improved if the work was executed in well ventilated workshops on the master's premises instead of being done at home. It was very common for tailors employed at home to work all Sunday. The evil might be put a stop to if the public would give their orders to those employers only who had them executed on their own premises.

THE CONDITION OF THE WORKING CLASSES.

A paper on "The Irish Labourer in Liverpool," by George F. Shaw, F.T.C.D., contained the results of a personal inquiry carried on in Liverpool, during the month of July, 1860, and suggested by the address delivered to the Association in 1859 by Sir James E. Tennent. The precise object of the inquiry was to determine whether the social condition of the Irish labouring class in Liverpool is a stationary or a progressive one, or, more accurately, whether the class in question does or does not tend to attain the standard of comfort and civilization presented to their view by the surrounding English population. After remarking on the difficulty of collecting sufficient data for a correct opinion on this subject, and the wide discrepancies he found in the testimony presented to him, the writer proceeds thus :—"The history, then, of an Irish labouring family settling in Liverpool is somewhat of this kind. There is at first a general relaxation of the moral restraints which the public opinion of the neighbourhood imposes on them at home. Increased wages are earned, but from the absence of all artificial wants they are expended merely in animal indulgences. More and better food is used; spirits, tobacco, and beer, are largely consumed; but the home is as filthy and dilapidated as ever. There is not much improvement either in the clothing, except that the children more commonly wear shoes. After an eight or ten years' residence, the ties of neighbourhood and

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public opinion, broken by removal from Ireland, are in great part restored, and the moral condition of the family rises nearly to its former level. A large proportion, indeed, have sunk irretrievably into profligacy and crime; but against this may be set the equally large number of those who acquire habits of saving along with the means to save, invest their money in trade, take shops, become superintendents in warehouses, and in various ways struggle up into the middle classes of society. As to the education of the young, only about one-fourth, I think, attend school, and even these are removed at an early age, in order to add to the family earnings. The difficulty experienced in getting the children to attend school is one main cause of the stationary condition of the class in question. As respects street riots on a large scale a marked decrease is evident, owing chiefly to improved police regulations. The penny banks, too, are doing some good, and certain religious societies are of late bearing good fruit, in fostering better habits and higher tastes among the young men. The principal step that remains to be taken, in the writer's opinion, to ameliorate the condition of the Irish labourer, is to build a better class of dwellings for them, and some experiments which have been tried in this direction have proved both remunerative to the capitalists and highly beneficial to the tenants. No agency, however," concludes Dr. Shaw, "would be so potent as this, that the habits of the Irish population at home should be raised, and the stream of immigrants constantly flowing into the great cities of the sister kingdom should carry with them a degree of morality and education and refinement of manners, that would prompt them to make a right use of the increased wages earned in their new sphere."

Mrs. Catherine Brougham contributed a paper, in which, after observing that the female peasantry of Ireland were profoundly ignorant of all that was necessary to preserve health, she pointed out the beneficial influence which might be exercised by women in teaching them the importance of thrift, industry, and cleanliness. She concluded as follows:—"A more difficult task could scarcely be undertaken than to communicate to a people (not standing still to receive an impression; but living, moving, acting, and quite satisfied with their own ways) the good housewifery which ought to be hereditary, as a bequest from mother to daughter; that sort of knowledge which ought to be a tradition in every family, learned insensibly, and of which so very little can be taught in schools: but we need not despair of the undertaking if the educated women of our country will set themselves to it earnestly and hopefully. Let each country lady who feels the importance of the subject try to influence those who are beneath her in the social scale not only to improve their own homes, but each to endeavour to improve those below them, lower and lower, until woman's purifying influence reaches to the hovels now given up to malaria, moral as well as physical. To assist this a ladies' sanitary association might be made applicable to Ireland to encourage and

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direct the efforts of those who are working single-handed. We have no right to enter a poor woman's cottage unbidden or unwelcome; we have no right to intrude upon her as detectives of her domestic errors, or self-constituted reformers of them; but as woman to woman, as mother to mother, we may speak and may be heard."

The Rev. J. BANKS ROBINSON read a paper on the "Habitations of the Working Classes." He gave several cases from his own experience, illustrating the overcrowded condition of the dwellings of agricultural labourers. He attributed the evil in a great measure to the Law of Settlement, which acted as an obstacle to the building of any more cottage dwellings in a parish from the fear of burdening the poor-rates, and by hindering the poor from carrying their labour to the most remunerating market. He urged that the class to be benefited should be invited to co-operate for the improvement of their dwellings by means of benefit building societies.

THE INDUSTRIAL EMPLOYMENT OF WOMEN.

The Report of the Society for Promoting the Employment of Women, by Miss Jane Crowe, stated the progress of the Society during the past year, and gave a detailed account of the various branches of its useful labours. The Report observes, that while many of the results of the Society's efforts may be definitely set forth in employments provided and instruction given, even more has been effected in the general moral influence it has brought to bear, both upon the press, and upon the opinions of numerous circles in various parts of the kingdom; because this moral influence tends to induce parents to give a more practical education to their daughters, and leads to efforts being made in many provincial communities to carry out local plans for training and employment.*

Miss FAITHFULL gave an account of the progress of her office during the past year. The Victoria Press affords regular employment to twenty young women, who work together in companies, with a "clicker" to each companionship, and payment is made according to the men's recognised scale. A weekly newspaper, the *Transactions* of this Association, the *Law Magazine*, the *English Woman's Journal*, and Chancery printing, has supplied the office with work, together with the production of a volume called the "Victoria Regia," dedicated by special permission to Her Majesty the Queen, containing original contributions from some of the leading writers of the day, as an evidence of their cordial interest in the undertaking, and edited by Miss Adelaide A. Procter.

Miss JESSIE BOUCHERETT contributed a paper on "Local Societies for Promoting the Employment of Women." She recommended that the various schemes of the Central Society for instructing women

* See Report of the Society. Office—19, Langham Place, W.

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in printing, law copying, and book-keeping, should be carried out in every locality where a few individuals could be got to undertake the work, even on the smallest scale.*

Mrs. Overend read a paper on "Remunerative Employment for Educated Women," in which she showed that what was chiefly wanted was remunerative work that could be done by ladies in their own homes. She mentioned, among other minor employments, painting in oil and water, on canvas, paper, glass, and china; ornamental designing for cabinet-makers, jewellers, &c.; working in hair, modelling in clay, plaster, wax, &c.; colouring photographs, wood-engraving, lithography, as suitable. To show the remunerativeness of wood-engraving, she quoted a passage from a letter received in Dublin by a gentleman who had written to London for information on the subject. The writer says, "The Islington College of Wood-cutters is done away with, I hear, through all the students having married, but there is plenty of employment for lady professors if they work well. Take the following as an example:—In June, 1860, there was a girl of seventeen, who I knew possessed some talent for drawing. I strongly advised her to commence wood-engraving, which she had already tried a little under her brother's guidance. She took my advice, and is at this moment earning two guineas a week at home with her mother." The same gentleman goes on to say, "As regards lithography, I ought to remind you that writing really well on stone is very remunerative. Of course the writing must be reversed. Some men make pounds a day by writing with the left hand, and, by practising which, the reversed writing comes as naturally to the left hand as ordinary writing to the right hand." Mrs. Overend concluded by recommending the formation of a society for promoting the employment of women in Dublin, on the plan of that established in London.

Miss Rye contributed a paper on "Emigration for Educated Women," which has been published by Miss Faithfull, as one of her series of tracts on social subjects.†

Mrs. Bayley read a paper on the "Employment of Women," in which she observed that the result of many years' experience among the poorest class of women proved that before the wants of our homes could be supplied, women's work should be very much lessened. The going out of women to work seemed to have arisen from necessity, but there was now an extended taste for it. This was a great mistake, and would be found productive of many evils, and the cause of ragged children and drunken husbands. Hundreds of mothers of little children died every year in England from the disease of over-work. The wife and mother going abroad for work

* See the *English Woman's Journal*, December, 1861. 19, Langham Place, W.
† "Emigration for Educated Women." Emily Faithfull & Co., 9, Great Coram Street.

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was, with few exceptions, a waste of time, a waste of property, a waste of morals, a waste of health and life, and ought in every possible way to be prevented. It was not the want of money, but the want of mothers, that made ragged homes.

DISCUSSION.

Mr. HASTINGS said he had brought the question of female employment before the Association at Birmingham, and it was gratifying to him to find that year by year it gained in public interest. He denied that any body of men had a right to exclude women from any employment because they fear that from the introduction of women their wages would be reduced. He did not think that would be the case, as was proved by the fact that Miss Faithfull paid women the same wages as men. He trusted the pressure of the Association and the pressure of Parliament would be brought to bear on Government, in order to induce them to make better provision for the emigration of educated women. The arguments used by Mrs. Bayley applied only to married women, whose first duty it was to attend to their homes and bring up their children as they should do; but he trusted there was no lady who would feel that the slightest reproach attached to unmarried women, because they industriously earned their bread rather than become a burthen on others.

Mr. JONES, of Glasgow, said in all the manufacturing towns women were largely employed; but, as he understood the observations made, they referred to the introduction of women as skilled labourers. He thought the question should not be looked upon as one of antagonism between the sexes. The question to be considered was—What effect female labour would have on the wages of men? Workmen did not desire to legislate for their trade in special cases like this. He did not think the tradesmen would object to the matter by itself; but the question the printer, for instance, had to ask himself was—What would be the effect of female labour upon his wages? He felt assured that female labour would undoubtedly reduce the price of labour. Only one branch of the printing trade was fit for females—the book or general jobbing trade. The newspaper department was totally unfit for them.

Mr. SMITH, of Edinburgh, advocated the employment of women, and contended that the fact of the reduction of wages was not an argument against women earning an honest livelihood. He sympathised strongly with those papers that recommended women to take employment wherever they could find it.

Miss BESSIE PARKES said if gentlemen thought that the writers of the several papers did not see the difficulties that surrounded the matter, they were hardly fair towards them. In many cases men purchased the labour of women, and they never asked whether it was injurious to them or not. There was a large surplus of women, which, according to the *Times*, would fill three great towns in England, three in Scotland, and two in Ireland; therefore all she asked was, that the question should be considered as one of very great importance.

Mr. DANIEL SHERIFF read a paper on "Irish Embroidery," showing the advantages that had been derived from the extensive employment of women in this branch of industry in the north of Ireland. He argued the desirableness of encouraging manufacture in rural districts as a means of checking an excess of emigration.

POOR LAWS AND CHARITABLE RELIEF.

Miss MARY CARPENTER read a paper which has been published in pamphlet form,* entitled, "What shall we do with our Pauper

* London: Longman, Brown, & Co., Paternoster Row.

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Children?" in which, after urging the importance of the question and pointing out the inherent and ineradicable evils of "workhouse schools," she recommended the enlistment of voluntary effort on behalf of pauper children, and that what had been done for criminal children should be done for them. Miss Carpenter made the following suggestions for legislative enactment:—

First.—It should be made unlawful for any children under sixteen years of age to be taken into the workhouse, or into any establishment connected with the workhouse within three miles of it.

Secondly.—The management of all pauper children should be placed in the hands of a school committee, to be annually chosen by the ratepayers. The school for girls must be under the immediate management of a committee of ladies.

Thirdly.—All schools intended for resident pauper children should be certified as fit and proper for their purpose by the Secretary of State, to whom their condition should be annually reported, and who should have power to withdraw the certificate.

Fourthly.—Where no school exists in any district fit for the reception and proper training of pauper children, the guardians should vote a sum for the erection and suitable furnishing of one.

Fifthly.—The guardians should pay to the school committee a weekly sum, not more than 5*s*., for the entire maintenance and instruction of each pauper child.

Sixthly.—All pauper schools must be industrial in their character; should the school committee think fit, the pauper industrial school may be certified by the Secretary of State for the reception of vagrant children, under the regulations of the Industrial Schools' Act. In like manner any school committee may contract with the managers of a certified industrial school to receive pauper children with the payment from the guardians of 5*s*. a week.

Seventhly.—The guardians should be obliged to pay for the schooling of all children receiving out-door relief, under the provisions of Denison's Act. The parents may select what school they please, provided it is one under the inspection of the Committee of Council on Education. The payment for the schooling of out-door pauper children is to be in addition to the relief, and their regular attendance a condition of receiving relief.

Miss Cobbe's paper, "On the Sick in Workhouses,"* is published in the *Journal of the Workhouse Visiting Society*, for September, 1861.

MISCELLANEOUS.

Professor Hennessy, F.R.S., read a paper on "Anonymous Publications."† The author's conclusions are similar to those of

* See *Trans.* 1860, p. 836.
† See *Trans.* 1860, p. 843.

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Mr. Hawes', whose paper, "On the Practice of Anonymous Writing in the Press," appeared in the last volume of the *Transactions*. In the present paper, all kinds of publications are considered, whether in the daily and periodical press, or in forms altogether non-periodical, such as volumes and pamphlets. The importance of openness on the part of writers who treat social and political questions is strongly advocated. The author points out the increasing necessity of raising the treatment of such questions to the same scientific value as those connected with natural knowledge. The Association is instanced as constituting a practical development of the doctrines supported by the author, for even if many of the communications submitted to it cannot be considered as strictly scientific, they all exhibit the character of emanations from persons who earnestly desire to promote truth, and who accordingly adopt the recognised course sanctioned by the practice of scientific inquirers, of prefixing their names to the views and statements for which they are responsible. After dwelling in some detail upon the evils inflicted upon society by the use of the anonymous system, the author guards himself against being supposed on that account to condemn the general operations of the press. The reports of public proceedings are unaffected by the anonymous method, and such reports form the most important portions of the daily journals. This is due in a great measure to the smaller possibility of erroneous statements occurring in connexion with matters where the anonymous mode of communication is laid aside. As this paper will probably appear in another form, it is unnecessary to further refer to its contents, except to mention that its author distinctly separates the system criticised from the writers who happen to carry it on. He has had reason to know that some of the ablest of such writers conform to the anonymous system solely because it has hitherto been the prevailing fashion in connexion with a certain class of publications.

Miss Sarah P. Remond read a paper on "American Slavery and its Influence in Great Britain," of which the following is an abstract:—

The influence of nation upon nation can scarcely be over-estimated since steam has brought the inhabitants of distant countries into more intimate relations with each other. No two countries separated by the same distance have been more closely connected through many channels than the States of North America and Great Britain, and the influence of national character becomes a matter of serious importance. Chattel slavery as it exists in the Southern States of North America is the colossal evil, the prolific source which has corrupted the public opinion throughout the Republic, North as well as South. By the laws of the slaveholding States four millions of men, women, and children have no more rights than an ox or a sheep. This complete annihilation of the manhood and womanhood of human beings is supported and sustained by the compromises of the constitution. From 1620 until 1787 slavery had no legal protection except in the most limited sense. In 1788, when the constitu-

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tion was drafted and the present government formed, the complete sacrifice of the African was the price which purchased that result, and certain provisions of the Federal constitution pledged the States, North as well as South, to maintain slavery. First, by allowing the continuation of the foreign Slave Trade until 1808, although after that date by law it was declared to be piracy; yet in reality it has never been discontinued, as slaves have from time to time been sent from Cuba into the slave states. Slavers have been fitted out from New Orleans, New York, Boston, and other American cities, and many Africans are landed, direct from Africa, in Texas, Florida, and Louisiana; and negroes who cannot speak the English language are at work on the plantations of the South. Great Britain has spent forty millions, and is still willing to assist in suppressing the foreign slave trade. The American Government has been unwilling to make any effectual treaty to bring about this desirable result, and Cuba imports annually from thirty to forty thousand slaves. When Lord John Russell stated that "Spain was not the only power committed to the slave trade, and that the American flag covered it to a large extent, and that the absence of the right of search increased the difficulty of dealing with slaves on the open sea," his lordship placed the Government of the United States in the true position which it occupies in this abominable traffic. Secondly, by the three-fifth representation—allowing every five slaves to count as three votes—which, so long as the slaveholders deny to every slave any rights, is in reality the same as if five oxen should be allowed to represent three votes in the British House of Commons, thus giving additional political power to the owners of slaves. Thirdly, by the Fugitive Slave Law. Fourthly, for the suppression of any insurrectionary movement on the part of the slave population. These four important provisions in the constitution reveal the basis upon which the slave system rests; and although many other causes have given new vitality to the evil, the constitutional provisions have been, and still are, the Gibraltar of the slaveholders and their northern allies. The infamous Fugitive Slave Law of 1850, which denies to its wretched victims trial by jury, and under which many free persons of colour have been doomed to a life of slavery, declares, Section 7, "Any person obstructing the arrest of a fugitive, or attempting his or her escape, or harbouring and concealing a fugitive knowing him to be such, shall be subject to a fine not exceeding one thousand dollars, and to be imprisoned not exceeding six months; and shall also forfeit and pay the sum of one thousand dollars for each fugitive lost." This is only one of the provisions of a law which is a disgrace to civilization. Then followed the Dred Scott decision, declaring that "black men and women have no rights which white men are bound to respect." The evil principle, embedded in the constitution at that early period of the history of the nation, denying the right to so many men and women to own themselves, has resulted in a series of evil and unjust laws, which fall with overwhelming weight upon the oppressed African and his

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descendants, which have perverted the moral vision of the American people. This corrupt public opinion operates in many ways upon Great Britain, but most decidedly in the attempt to transplant to the dominions of Queen Victoria the pernicious prejudice against the colour of the African, whether he be a slave or nominally free, which is one of the many sad results of slavery in the States. In some of the Canadian towns the children of some of Her Majesty's most loyal subjects have been placed in separate schools, only because they had a dark complexion. In other instances they have been placed in a corner of the regular Government schools, and British subjects have been obliged to submit to these indignities. In other instances the children of the coloured citizen have been obliged to walk not unfrequently a long distance to one of these separate Government schools, while the child of the white citizen could attend the school in the locality to which the coloured child by right should be allowed access. In one of the churches at Vancouver's Island, separate pews have been provided for coloured persons, in imitation of the American custom, thus insulting an already deeply-injured race. Miss Remond made an earnest appeal to the public opinion of Great Britain, to declare itself more emphatically against American slavery.

Mr. Bianconi gave an account of the introduction and development of public car travelling in Ireland, in continuation of papers contributed to the British Association for the Advancement of Science.

Mr. F. W. O'Connor read a paper "On the Application of the Public Free Libraries Act to Dublin." The Free Public Libraries Act of England was extended to Ireland by the 16th & 17th Vict. c. 10. It authorizes the promotion of free public libraries in towns containing 5000 inhabitants. If two-thirds of the burgesses approve of the Act, it comes into force, and a library rate of ½*d.* in the pound can be struck on the assessable property of the borough. This would produce in Dublin £1,130. The Corporation select from among the principal citizens the library committee, who could rent buildings, fit up, stock, and govern the library. The library was freely open to both sexes, was confined to no class or creed, and consisted of a reading and public newsroom, in addition to a lending department, where borrowers could procure any book on providing a guarantee signed by two burgesses. Upwards of twenty free public libraries existed in England, and were eminently successful. The number of borrowers was enormous, and the loss of books nominal. Books in every department of English literature were plentifully provided—of the healthiest, most instructive, and elevating character. No institutions in Dublin fulfilled the objects of a free public library; their rates of subscription were too high, their hours too unseasonable, or their resources too limited. There was a large intelligent class in Dublin too poor to subscribe to even

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the cheapest library, and yet intelligent enough to feel this deprivation. There was no antagonism between free public libraries and mechanics' institutes; they acted rather as feeders than suckers towards them. A provisional committee, selected from among the influential citizens of Dublin, ought to be formed to advocate the adoption of the Free Libraries Act.

Mr. H. Solly read a paper "On Working Men's Societies for Mental and Moral Improvement." He said the first great want of working men was to feel more deeply the desire for improvement. Innocent and rational recreation was perhaps the best means of rousing the drowsy intelligence of the working man to desire improvement. Working men's societies ought to afford recreation and companionship as well as instruction.

Mr. D. E. Dove gave an account of the proceedings of the Glasgow Abstainers' Union and the means taken to provide social recreation for the members by Saturday evening concerts, festivals, and cheap excursions.

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TRADE AND INTERNATIONAL LAW.

TRADE AND MANUFACTURES OF IRELAND.

On the Linen Trade of Ireland. By JOHN HERDMAN, *Ex-President of the Chamber of Commerce, Belfast.*

FROM the earliest records of sacred and profane history we find linen named as the first textile fabric produced by the labour of man, and the fine linen and fine twined linen of Egypt were alike employed to beautify the temple of God and to enfold and strive to immortalize the tenant of the tomb.

Honourable, therefore, for its antiquity in the world's history, it becomes still more valued to us in Ireland, as we know from authentic records that the Irish were clothed in linen at a time when many English historians would inform us that the ancient Britons had only the skins of animals for the purposes of dress and ornament.

It is probable that the manufacture of linen was introduced into Ireland by the Phœnicians, as the preparation of the plant for manufacturing purposes requires a considerable amount of knowledge and skill. Unlike the cotton fibre, which when separated from the seed which it envelops is at once ready for the use of man, the fibre of the flax in its natural state presents no appearance of being suited for any human want.

The following extract from a poem written about the year 1430, relative to the trade of Chester, gives the following as the imports from Ireland:—

> "Heides and fish—salmon, hake, herring—
> Irish wool and linen cloth, faldinge
> And marterns, good be her marchandie;
> Herts hides, and others of venerie.
> Skins of otter, squirrel, and Irish hare,
> Of sheepe, lambe, and foxe, is her chaffare, &c. &c.
> Fells of hides and conies great plentie"

As we read that the Irish chieftains who appeared at the Court of Queen Elizabeth were clothed in vestures of yellow linen, it is likely the material and colour were similar to the Egyptian linen which is preserved and known as mummy cloth. The perfect white now given to linen cannot date farther back than a century and a half from the present time.

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We should think that little improvement took place in the manufacture until the period when the Earl of Strafford was Lord Deputy in Ireland, in the reign of King Charles I. He imported superior seed to improve the quality of the fibre, he also introduced workmen from France and Flanders, and at this time we have a record of Irish linen being sent to Spain.

During the troubles that took place in Ireland after this period, we cannot expect that anything could progress, and the next notice we have of the linen trade was in the reign of William III.

A petition relative to the prevention of the extension of the woollen trade in Ireland was presented to him by the English Houses of Parliament, and in consequence some arbitrary enactments were passed, tending to discourage the woollen manufacture in Ireland, and to encourage and extend the linen trade in that country.

Carrying out this promise, the Government of the day brought over from France a colony of about seventy persons, under the guidance of M. Louis Crommelin. M. Crommelin wrote a most valuable treatise on the cultivation of flax, the spinning and weaving of yarn, and also bleaching.

These people came from the neighbourhood of St. Quentin, in Picardy, and settled in Lisburn, in the north of Ireland.

They improved the manufacture of damask and fine linen, and were aided by many Huguenot families, who had left France on account of the revocation of the edict of Nantes. As these intelligent foreigners brought not merely their knowledge, but also their capital, to aid the enterprise, we may safely say that the event was the most important in the history of the trade.

In 1711 the Irish Linen Board was established, to encourage the growth of the flax plant and improve its manufacture into linen. This Board had certain funds intrusted to its care to carry out these improvements, and we believe its duties were faithfully performed according to the views then entertained regarding trade.

The various Acts of Parliament regulating the linen trade filled a considerable volume: the length and breadth of cloth were specified, the manner of measurement, the method of sale, the materials for bleaching, &c., &c. To our modern idea such interference with a manufacture appears ridiculous; still, these Acts were called for, not by the public, but by the linen merchants themselves.

For a considerable time the Linen Board gave bounties on the exports of linen, which led to great abuses. The Board, its bounties, and its patronage, ceased about the year 1828, and since that time the linen trade has sprung into a new and vigorous existence.

We will now give a short account of the preparation of flax and the manufacture of linen, which we hope may be found interesting.

Flax from which linen is made is the bark of a plant with a blue flower, called in botany *Linum usitatissimum.* This bark or fibre requires to be separated from the woody portion of the plant and the vegetable resins by a process of fermentation called "retting." The retting is effected by steeping the plant for eight, ten, or fourteen

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days, according to the temperature, and afterwards drying it in the open air.

After the preparation, the flax or fibre is separated by mechanical means from the wood, and the material called flax in commerce is produced.

Formerly the separation of the fibre from the wood, which is called "scutching," was entirely done by hand labour, but now this process is generally accomplished by machinery.

In France and Italy a good deal of the fibre of the "*cannabis sativa*," or hemp, is used for manufacturing coarse linen; and for the last twenty years an East Indian fibre, called "jute," (*corchorus capsularis*,) has been largely introduced into the manufacture of coarse linen in Scotland. The only advantage in this fibre is its low price, as it is deficient in strength and deteriorates in bleaching and finishing.

Flax is at present grown in Russia up to the sixtieth degree of latitude, as well as in Italy and even in Egypt; the best, however, is produced in the north of France, Belgium, Holland, and Ireland.

A temperate climate appears to be most congenial to the production of a strong and fine fibre of flax. We are sorry to say, that though our climate does its duty to the flax plant, our farmers do not equal those of France, Belgium, or Holland, in the after process of pulling the plant and watering and scutching it. These operations are generally conducted in Ireland in a careless manner, involving a great loss to the farmer himself, and seriously injuring the linen trade of the country. The process of scutching being generally conducted in mills driven by water-power, often at a considerable distance from the farmer's house, the unscutched flax has to be carted there, and remains often for months unscutched and exposed to damage. We are glad to say, that a simple and most effective machine has been invented this year, by Mr. W. Rowan, of Belfast, which will enable the process to be completed at a fifth of the former cost, also with much less waste and on the farmer's own premises.

To prepare flax for being manufactured into linen, it is passed over a series of steel pins, called "hackles," which separates the fine portion called "line" from the coarser portion called "tow." These products are spun into linen yarn either by hand or by machinery.

Previous to the year 1830, the greater portion of the yarn required for the Irish linen trade was spun by women and girls, on the old spinning wheel. About that time, however, the system of spinning flax by machinery was introduced by the Messrs. Mulholland and Hind into Belfast, and has since been greatly extended in Ulster. Many years before that time the spinning of flax by machinery had been invented, and premiums given by the Linen Board of Ireland to persons who introduced it. The number of mills established under this system of premiums was fourteen, and the number of spindles about 6000; nine of these were in

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Munster and Leinster, and only five in Ulster. They were only calculated for spinning the coarser yarns; and we believe, after 1815, nearly all in Leinster ceased working, and we do not believe that any in Ulster were wrought with profit to the owners.

We may therefore say that, till 1830, no real progress was made in the trade. The gentlemen we have named introduced spinning machinery made on a new principle, in which the fibre of the flax passed through boiling water during the process of spinning, and thus enabled a much finer thread to be produced than by the method patronized by the Linen Board.

This improvement led to many others in hackling, carding, and preparing, &c., which economised labour, and reduced the cost of production; so that, at present, machine spinning has quite displaced spinning by the old hand wheel. We have now in Ireland about 550,000 spindles for spinning linen yarn, each of which produces double the quantity that one woman could have spun by the old hand spinning wheel. These 550,000 spindles are managed by about 27,000 people, engaged in the various branches of labour incident to a flax-spinning factory. These are very varied, employing engineers, mechanics in wood and iron, carpenters, smiths, flax sorters, hacklers, flax preparers, spinners, reelers, &c. Assisted by the steam engine and the water wheel, we find that these 27,000 persons do an amount of work that by hand labour would require more than a million of people. The wages gained by hand spinning were wretchedly low, amounting perhaps to 1*d.*, 2*d.*, or 3*d.* per day. The spinners were generally not dependent on this labour, and only employed themselves at it when not better engaged. At present, in Belfast, spinners make 5*s.* 6*d.* to 7*s.* per week, and men employed about factories from 16*s.* to 40*s.* per week, according to ability and position.

We may look back with regret at the time when the countryman, living in his own cottage, wove into linen the yarn spun by his wife and daughter at their own firesides, from flax grown on his own small farm, but we must feel that the system belonged to a past state of society, and that modern civilization demands quicker work and better pay. Although much happiness may apparently be sacrificed by these changes, yet we know that much suffering and privation existed under the former system, and that at the present time comforts and luxuries are enjoyed by the working classes that were unattainable by the same class during the last century.

Previous to the great extension of flax spinning, we imported considerable quantities of hand-spun yarn from Germany; we now export largely to that country. The total exports of linen yarn and thread from Great Britain and Ireland to all countries average about £2,000,000 per annum.

The next process of the linen manufacture is weaving the linen yarn into cloth.

The process of weaving was formerly conducted by weavers, who bought the linen yarn at markets or fairs, or had it spun at home.

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After weaving the piece of cloth, they took it to the nearest linen-market town and sold it to linen merchants, who went from town to town to purchase this cloth.

After the introduction of mill-spun yarn, it was found more convenient for one man to supply a number of weavers with linen yarn and pay them a certain sum in wages for their labour. The weavers found themselves better paid by this arrangement, and we have now very few individual weavers attending the markets as formerly. At present a great portion of the linen cloth is woven in Ulster by young women and boys, as the labour of men is more valuable for agricultural and mechanical employment.

Before the depression of trade caused by the state of affairs in America, young women in the country districts earned by weaving 4*s.* to 9*s.* per week, according to their skill and industry.

Within the last few years an improvement has been made in the weaving department of the trade by the introduction of power-looms, which merely require to be looked after by an intelligent woman or boy.

The saving in cost of production by the power-loom over the hand-loom is not great. However, there are many advantages derived from its introduction. The cloth is more regular in its appearance, and a buyer can calculate on a certain quantity at a given time promised by the manufacturer.

There are only 5000 power-looms at present in Ulster, but many extensions of the trade are contemplated.

Young women in power-loom factories make good wages, if skilful; from 8*s.* to 12*s.* per week is often earned by clever workwomen.

It may be interesting here to note the value of all these improvements in reducing the cost of linen fabrics. Linen of the medium sorts suitable for shirtings is about one-half the price of 1832, while the finer kinds are only about one-third of the price. Fine linen which would have cost in 1832 about 3*s.* 4*d.* to 3*s.* 6*d.* per yard, can now be bought wholesale at 1*s.* 1½*d.* to 1*s.* 2*d.* per yard. Cambric handkerchiefs show a still greater reduction; indeed, thirty years ago these could not have been made in Ireland except at extraordinarily high prices. Shirt fronts are woven in the loom, and are also much reduced in price.

While the public have received such an advantage by the reduction of price, the workpeople have not been injured, but advanced in their social position; as it has been found that every improvement in machinery increases the value of the human intelligence that watches and directs it.

After linen cloth has been woven it requires to be bleached; and the manufacturers sell their goods in the unbleached state to linen bleachers, who bleach and finish it, and send it forward to the various markets. In some establishments spinning, weaving, and bleaching are all combined. Bleach greens are situated in country districts, as linen cloth requires to be exposed on the grass for a certain time to make it perfectly white. During the last century great improve-

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ments have been made in bleaching, as the science of chemistry is better understood. The process of bleaching, which formerly required some months to complete, can now be accomplished in a few days if required. The cost has also been considerably reduced, and we believe the operation is now more safely done than at any former period.

As regards the statistics of the trade, the following may be found interesting:—The sunk capital required for a flax-spinning mill, including buildings, steam engines, fixed and movable machinery, &c., varies from £3 to £5 per spindle; and the floating capital required will be from £1 to £2 per spindle. If we take the mean between the two extremes, we may say that the 550,000 spindles employed require about £3,000,000 capital. In the manufacturing of the linen, although not much fixed capital is required, yet a considerable amount of property is often in weavers' hands, and we may put the capital employed in hand-loom and power-loom weaving at about £1,500,000. The capital sunk in bleach greens is considerable, including water wheels, steam engines, bleaching and finishing machinery. The stocks held by bleachers are also often very heavy, so that the capital employed by them will be from £2,000,000 to £3,000,000. To all these we have to add the stocks of commission-merchants, warehousemen, &c.; we may therefore say that, in ordinary times, the linen trade of Ulster requires at least a capital of £8,000,000, for carrying on all its operations.

The flax consumed annually in the Irish spinning mills is about 35,000 tons, valued at £2,000,000 sterling. The annual value of the yarn produced is about £3,000,000 sterling; and the finished linen ready for export may be valued at from £5,500,000 to £6,000,000 sterling. Although we export a considerable quantity of yarn, yet we import more yarn from England than we export to the Continent.

From the Report to the Linen Board of the year 1784, we find the annual production of linen in Ireland to be £1,214,560. As the price then was three times as great as at present, it would represent a quantity that would be sold now for about £400,000, so that the manufacture then was only about one-fourteenth part of the present linen trade.

For some years the linen manufacture has been suffering from the high price and scarcity of flax. Russia has not been extending the cultivation of this crop in late years; and although a slight increase of production has taken place in Belgium and Holland, yet it has not been sufficient to supply the growing requirements of the trade. Under these circumstances a company has been formed at Belfast, to introduce the preparation of flax into the Punjaub, where the plant has long been grown extensively, merely for the seed. As there is no crop which, when properly managed, pays the farmer better, it would be desirable to see it more extensively cultivated in Ireland. Had farmers, during the last thirty years, made improvements in the growth and cleaning of flax, equal to those which manufacturers

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have introduced in the more advanced departments, linen cloth might be sold so cheaply as to displace many other fabrics, and thus the manufacture would be much extended.

Thanks to the present enlightened Emperor of the French, the heavy duties on linen yarn and linen entering that country have been reduced to a revenue standard. Already two steamers have left Belfast for France, a large portion of their cargoes consisting of linen yarn and linen; and we trust these are but the pioneers of an extended commerce with that great country.

When Louis Crommelin, the intelligent Huguenot who so faithfully instructed this nation in the best method of manufacturing fine linen, wrote the following words 160 years ago, there was not much hope that Ireland would ever gain the high position in the linen trade for which he urged the people then to strive, and which, with prophetic vision, he almost foretold:—

"The people of this kingdom (Ireland) must not make a judgment of what benefit and advantage may redound to the country by the means of this trade, from any improvement they have hitherto made; for they never were put into the way of doing anything therein comparably to what they may do when they will please to turn their industry that way; for there is a vast difference between a trade that is cultivated by a few, whose produce is hardly known in foreign markets, whereby to acquire a reputation and esteem, and a trade that is general and in some measure national, that is under due and proper regulations, whose goods beget an esteem and value in proportion to their deserts."

Since that time the trade has become in reality a national one, and the linen manufactures of Ireland are now known in every civilized country.

From the peculiarity of the climate, its linen can be brought to a snowy whiteness, which no other country can equal. From Russia, Prussia, Belgium, Holland, and France, we import flax, and yet to all these countries we are sending our yarns and linen. Italy and Spain also take a share of our exports; and had the people of Great Britain as great a taste for fine linen and cambric as the Spaniards, our home trade would be trebled. At present, linen fabrics, wholesale, are really cheaper than cotton, when you take into account the greater endurance and the greater beauty of the texture.

As we have already got a sure commercial footing in every place where Great Britain has been permitted to trade, we may hope that China and Japan will not be exceptions, but that their numerous millions will also call for a portion of the fine linen of this distant island of the West. It gives me much pleasure to bear my humble testimony to the value of the French Commercial Treaty, sitting as we do under the presidency of M. Michel Chevalier. Having been engaged in Paris last year, for some weeks, in arranging the details of that treaty as regards linen yarn and linens, I know the difficulties that he and other enlightened free-traders had to contend

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with; and although France will be, and ought to be, the principal party benefited by the removal of her commercial restrictions, yet Great Britain and Ireland will also receive a share of the advantages.

The Provision Trade of Ireland. By J. A. Lawson, Q.C., *Solicitor-General for Ireland.*

The design of this paper is to show how the course of trade naturally adapts itself to the altered circumstances of things. We, in our short-sighted reasonings, often apprehend that the introduction of a particular improvement will displace labour and derange the operations of capital, whereas experience as well as sound economic principles establish satisfactorily that every improvement in production, every fresh channel opened for trade, every improvement in transport and locomotion, lead to beneficial results which we could not have anticipated. The temporary inconvenience incident to every state of transition rapidly disappears and permanent benefit remains. The facts which I have to adduce in this paper appear to illustrate this truth.

Ireland has been always celebrated as a pasturing country; her soil and climate are peculiarly favourable to the production of those roots and grasses which form the food of animals. Her population, being chiefly engaged in rural occupations, consume a smaller amount of animal food than they would if their avocations were manufacturing; in this latter case, it is found that the close confinement in towns, and the consequent drain on the nervous system, increase the desire and necessity for stimulating food. I have no doubt that, since the potato failure, the consumption of animal food per head has greatly increased, but I have not been able to obtain any statistics on this point.

We find, then, in Ireland a large production of animals fit for human support co-existing with a relatively small home consumption of animal food.

We next note the proximity of the British market, which is able to purchase all the animal food that we can spare because it feeds a dense rich population, consuming a very large amount of animal food.

Now, on the proximity of the market the provision trade will be always found to depend. In countries like Australia and Brazil, where there are vast tracts of fertile land and a scanty population, animals fit for human food increase rapidly and with little trouble or expense to the possessor, but the distance between them and the densely populated countries which are the large consumers makes the flesh of comparatively little value, and the wool, hides, and fat, are the only parts capable of being turned to profitable account. Every increase in the rapidity of transport is equivalent to the creation of a market, for it renders the market available which was

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not so before. Take first the case of the home market, and see the effect of railway communication upon prices in country places. The relative cheapness of fresh meat, poultry, butter, eggs, and other such produce, in country parts of Ireland, as compared with Dublin prices, induced many families to live in the country with a view to economy. You now hear complaints that the price of meat in the country towns is often higher than in Dublin, and so it is in places within moderate distance of the rail, and the daily tendency of increased railroad communication is to equalize the prices of consumable articles; thus a great stimulus is given to production, and the producer is benefited.

During the Peninsular war Ireland possessed a great trade in curing beef and pork. Cork, Waterford, Limerick, and Dublin, all afforded their quota of beef to the English navy. Upon the proclamation of peace this trade fell off greatly, and the introduction of steam navigation, in 1825, tended still further to diminish the trade, for thus a ready market was opened in England for the live animal. Again, the repeal of the laws prohibiting the import of foreign cattle and provisions still further affected this trade, or so much of it as was left, and thus the supplying of beef has passed into foreign hands. Live animals and bacon now form the staple article of the Irish provision trade.

The existence of this trade appeared to be peilled by the potato failure. Previously to it many cottier tenants, and even those who had no land at all, kept their pig, and in fact the pig was often depended on for paying the rent.

The entire number of pigs in Ireland, in 1841, was	1,412,813
Of these there were owned by persons holding under one acre	355,977
By those holding from one to five acres	254,437
By those holding from five to fifteen acres... ...	342,436

Making a total of 952,850 pigs owned by those holding under fifteen acres each, and only 459,963 by those holding over fifteen acres.

The effect of the failure of the potato was to prevent the production of pigs and to force a sale of those on hand. The export of live pigs to England in the year 1846 was 480,827, and the number of pigs in Ireland was reduced in 1848 to 565,629, the decrease being 847,184 animals. Of these 323,337 were from the cottier class, each of whom held less than an acre of land; 223,882 were from those holding from one to five acres, and 260,882 from those who held from five to fifteen acres of land each; thus showing that the potato failure had swept away the principal live stock of the poorer classes.

There was at this time an increase in the number owned by those holding over fifteen acres of land. Persons prophesied that the race of pigs would disappear with the cottier class, but we shall find that it has not; and on the contrary, its production and fattening is now looked upon as a profitable branch of trade by the farmer having larger holdings. During the four years from 1847 to 1851, the

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number of pigs in Ireland increased steadily: in 1848 they were 565,629; in 1849, 795,463; and in 1850, 923,502. The export of live pigs during this period was very short of the export of 1846. Thus, in 1847 it was 106,407; in 1848, 110,787; in 1849, 68,053; and in 1850, 109,170; the total exports for the four years being 394,417 pigs, while in 1846 alone the export of live pigs was 480,872.

The statistics of the provision trade are in a very unsatisfactory position, inasmuch as no official returns are published of the exports of bacon, hams, or butter, and I would therefore suggest to this Association whether it might not be within its province to represent to Government the importance of this information. Confining our attention at present to the export of live pigs and the annual produce of the country, we have returns which show a steady increase in the export of live pigs, without reducing materially the stock, as will appear by the following returns:—

Date.	No. of Pigs in Ireland.	Exports to England.
1851	1,084,857	136,162
1852	1,072,658	151,895
1853	1,444,925	101,396
1854	1,342,549	170,188
1855	1,177,605	254,054
1856	918,525	299,638
1857	1,255,186	269,125
1858	1,409,883	369,041
1859	1,265,751	368,275
1860	1,268,590	

The natural inference from the foregoing figures would be, that as the stock has not increased in proportion to the growth of the export trade, there has been a falling off in the quantity of bacon prepared; but in the absence of absolute data we should be slow to adopt this conclusion, especially when we find that the quantity of Irish bacon arriving in London (which is the principal market) has been steadily increasing since 1851. We should therefore rather attribute the increased exports to the earlier maturity of pigs in consequence of the improvement of the breed, and to the greater care bestowed upon them while young.

The subject under consideration naturally divides itself into three branches:—1st, as to the annual production of pigs; 2nd, as to their geographical distribution; 3rd, as to the changes and improvements that have taken place in the manufacture of provisions.

First, then, as to the annual production of pigs, we must say that the data on which to found remarks are very imperfect. Mr. Donnelly's return only divides the entire stock into two classes—viz., those under twelve months old, and those above that age. In the first class there are a large number so young that they will not be fit to kill within the year, the average age at which pigs are killed being about fifteen months, consequently the available product of each year will be less than the return by about one-fifth. In the return for

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1859, the number under twelve months old is stated at 942,769, and if one-fifth be deducted for those under three months old it would leave 754,215 of this class as the available produce of the year: in the other class, that over twelve months old, the numbers are stated to be 322,982. Of these, about one-third—say 100,100—are breeding sows, but 222,982 would probably be left for conversion into bacon, thus making the total annual produce of pigs fit for sale at fifteen months old, 977,197. If the breeding stock be 100,100 and the annual average produce ten for each sow; we shall nearly arrive at the same result—viz., about one million pigs per annum. The export of live pigs in 1859 was 368,275, thus leaving for the home provision trade about 650,000 animals per annum.

We must not overlook the fact that pigs are the only description of stock which is fattened and finished in Ireland. There is a large export from Ireland of cattle and sheep, but the bulk of these shipments are stores—that is, animals not fit for the butcher and which go to England to be finished. There are but a few fat oxen and sheep shipped, while all the pigs which are exported are fit to kill; thus the provision trade confers vast benefit on the agricultural classes in offering a ready market for this finished produce. On an average, pigs at twelve months old are worth about 40*s.* each; they are then put in and fed on corn food for two months or ten weeks, and then sold at an average of £3 10*s.*; so that the farming classes receive about £3,500,000 per annum from this branch of trade.

It would be amusing if it were not painful to see the assertions sometimes put forward that this provision trade is draining and impoverishing Ireland. The hungry Saxon is represented as consuming the fat of our land and giving us nothing in exchange. Three millions and a half per annum for one article is not to be despised; and the same reasoning that proves that the consuming Saxons are our enemies, would prove that a shopkeeper ought to discourage all his best customers because they are depriving him of the most valuable portions of his stock.

Secondly, as to the geographical distribution of pigs. The influence of the large curing establishments of Waterford, Cork, Limerick, and Belfast, on the production of pigs is very great. The number of pigs in Ireland, in 1860, was 1,268,590; the area of the country is 20,815,111 acres, and on an average there was one pig to each sixteen acres of land. In Waterford county there was one pig to each eight acres, being double the average of the whole of Ireland; in the neighbouring counties of Kilkenny and Wexford the average was one pig to ten acres. Going further, we find that in Cork, Tipperary, and Limerick, there was one pig for twelve acres; in Clare, one pig for twenty acres; and in Kerry, one pig for twenty-two acres. These eight counties, containing 7,154,312 acres, had a pig population of 507,211, being at the rate of one pig to each fourteen acres; while the rest of Ireland, having an area of 13,660, 801, had only 721,379 pigs, being at the rate of one pig to each nineteen acres.

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Waterford produces nearly two-thirds of the Irish bacon imported into London, and the pigs supplied by the adjacent counties, Waterford, Kilkenny, and Wexford, not being sufficient for the wants of the trade, Waterford buyers attend the fairs in Carlow, Tipperary, Cork, and Limerick, extending their journeys at times into the midland counties, into Connaught. If pig-feeding be, as no doubt it is, profitable to farmers, it follows that facility of access to the principal market is of great importance to them. The risk from delay, the loss of interest on the money employed, and the expenses of conveyance, have all to be calculated by the purchaser, so that a farmer at a distance practically pays the cost of the carriage of the pig to Waterford.

The distribution of pigs in provinces in 1860 was as follows:—Leinster, 316,826; Munster, 459,702; Connaught, 184,916; Ulster, 307,146. The counties in Leinster which are contiguous to Waterford, viz., Kilkenny and Wexford, had 105,509, being one-third of those of that province; the counties of Antrim and Down, which possess similar advantage with regard to Belfast, had 106,807, being about one-third of those of Ulster. The pigs which come to Waterford market all arrive alive and are killed and cured at the provision stores, but those which reach Belfast market are brought in dead and are only cured by the exporters. Belfast is the only place in Ulster where a large provision trade is carried on, and its exports, partly of hams, are considerable, while in Munster there are large establishments at Waterford, Cork, and Limerick.

In the absence of correct statistical information of the entire exports of provisions, I have estimated the annual produce of pigs at one million per annum, and I have shown that the exports of live pigs were, in 1859, 368,275, leaving about 650,000 as the supply to the provision trade. The exports from the ports of Belfast and Waterford have been as under:—

BELFAST.					WATERFORD.		
Date.	Hogsheads and Tierces.	Bales.	Bales and Boxes.	Equivalent in Pigs.	Date.	Bales.	Equivalent in Pigs.
1851	1,408	15,553	64	85,219	1851	—	—
1852	603	16,857	139	35,787	1852	—	—
1853	1,411	14,487	1,920	83,246	1853	63,497	126,994
1854	2,501	19,706	484	47,885	1854	52,977	105,954
1855	1,744	17,912	2,124	41,540	1855	56,528	113,056
1856	1,469	19,295	3,098	45,121	1856	51,124	102,248
1857	1,302	20,354	1,918	47,710	1857	66,589	133,178
1858	2,218	25,497	4,256	59,566	1858	87,091	174,182
1859	1,814	28,881	...	67,460	1859	96,213	192,426
1860	2,071	31,140	3,005	71,498	1860	87,684	175,368

The exports from Waterford of bacon and live pigs were thus in

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1859 equal to 268,963 pigs, and in 1860 237,458. I have assumed that the annual production of pigs in Ireland is one million. It therefore appears, that about one-fourth of them pass through Waterford, and that about two-thirds of the Waterford exports are cured.

A large proportion of the bacon and hams cured in Belfast are exported to the colonies, and the remainder finds consumption in this country, as well as in Lancashire and the north of England. A similar trade to that of Belfast has been carried on in Limerick for many years. In the north the pigs are killed by the farmers at their own homesteads and then brought to market; while in Limerick they are slaughtered in the curing establishments. In both cases the bristles are removed by scalding, previous to curing, while those animals intended for bacon for London must have the bristles taken off by singeing. Slight as this difference may appear, bacon prepared in the former way will not sell in the London market. Belfast bacon and hams are shipped in a finished condition, dried and smoked, while that from the south of Ireland, with the exception of a portion of that manufactured in Limerick, is shipped in an undried state, and is dried and smoked at the other side. The bacon cured in the south is sent chiefly to London; it differs from that cured in the north in another particular, namely, that the ham is not separated from the flitch; it is shipped in bales, each bale consisting of the flesh of two pigs. The arrivals of Irish bacon in London have increased considerably during the last three years, as appears from the following figures taken from the weekly trade circulars:—

ARRIVALS OF IRISH BACON IN LONDON.

1851	77,646 Bales.	1856	84,478 Bales.
1852	98,537 „	1857	98,962 „
1853	95,080 „	1858	105,662 „
1854	80,078 „	1859	136,135 „
1855	66,797 „	1860	133,847 „

The increase which is shown in the last three years is mainly attributable to the improvements in the mode of curing bacon, to which I shall presently refer. Before doing so I may remark, with regard to the preceding figures, that the diminution, or rather the non-increase, in the Irish arrivals in London has arisen from the scarcity of pigs, which followed as a consequence on the bad harvest of last year, which made food deficient and dear. The same cause has continued to operate during the current year, as it appears that the arrivals in London from 1st October, 1860, to 22nd July, 1861, were 110,314 bales, against 117,349 bales during the corresponding portion of the previous year.

There has been an increased demand for and consumption of bacon in London, which has enhanced the price; but even this inducement has failed to increase materially the supply from Ireland, and the deficiency is met by much larger foreign arrivals. The London price

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for bacon on the 1st October, 1858, was 50*s.* to 61*s.* per cwt.; at the same date in 1859, it was 56*s.* to 67*s.* per cwt.; and in 1860, 70*s.* to 75*s.* per cwt.: the quotation for July, 1861, was 75*s.* to 79*s.* per cwt. This advance in price has produced an increase in the imports of foreign bacon into London. In the year 1855 they were 20,306 bales; in 1856, 19,891; in 1857, 26,425; in 1858, 18,664; in 1859, 23,411; in 1860, 43,770. Of the Irish supply to the London market considerably more than one-half is cured in Waterford.

Third, as to the recent improvements in the mode of curing bacon.

Previous to the application of steam to the propulsion of vessels, the only mode of intercourse between Ireland and the sister isle was by sailing ships; and as their passages were more or less doubtful and protracted, it was necessary that bacon should be salted sufficiently to bear the longest voyage. Subsequently, a regular line of fast-sailing ships was put on the berth between Waterford and London, sailing once a week, whether fully loaded or not. This was a vast improvement in the mode of transit, and enabled the curers to moderate the amount of salt used; but since the introduction of steamers, by which alone provisions are now conveyed, the greatest care is taken to prevent over salting, and an article is now produced by the Irish curers which brings the highest price in the best markets in the world.

The usage of the trade some years ago was to suspend working about the 1st of May, and to resume about the beginning of October. Most of the men employed in curing were only engaged for the season; a few of the best hands were retained during the summer, at reduced wages. Several modes of curing bacon in summer were suggested and tried; many of them failed, and at length a Waterford curing establishment discovered a method of applying ice in the process, which has been wonderfully successful. This invention has conferred material benefit on the Irish farmer, as he can now find a market for his pigs through the entire year.

The pig requires a good deal of warmth while fattening in winter; this warmth has to be produced by food; it follows that a much greater quantity is necessary to bring up a pig to a given weight in winter than in summer; consequently, the summer feeding is the most profitable, and the introduction of a mode of curing which enables the process to take place in summer has proved a source of vast profit to the farmer, as well as a great boon to the working men who now have constant employment in place of the intermitting engagements of former times.

The bacon which is cured by ice is treated in this manner:—The flitches are carefully piled in large tanks; pickle, which has been brought to a given temperature by the use of ice and salt, is then poured in, and as the temperature is raised by the warmth of the atmosphere or of the article operated on, further cooling is effected from time to time. The process in very warm weather is more tedious and difficult than during the cooler part of the summer.

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The ice-cured bacon is sound and firm, and, consequently, much prized.

The farmers in the south of Ireland have not been slow to avail themselves of the opportunities offered by a summer market, and we find that the proportion of pigs over twelve months old is much greater in the southern counties than in the west or north of Ireland.

The returns are taken in the month of June, and the pigs which are enumerated as being over twelve months old are, with the exception of breeding sows, animals that will be killed in the summer and autumn months. In June, 1859, when the return was taken, there were in Ireland pigs over twelve months old, 322,982.

Of these there were in Munster	150,097
„ in county Kilkenny . . .	10,515
„ „ Wexford . . .	12,970
Total in eight southern counties . .	173,582
Leaving for the rest of Ireland	149,400

The very high price of pigs which prevailed in the spring of 1860, and the scarcity of food, reduced the stock of animals of the age under consideration, and we find that in June, 1860, there were in Ireland pigs over twelve months old, 274,116.

Of these there were in Munster	124,782
„ in county Kilkenny . . .	8,800
„ „ Wexford . . .	10,096
Total in eight southern counties . .	143,678
Leaving for the rest of Ireland	130,438

The above figures show very decisively the beneficial effect which the system of summer curing by ice has had on the farming operations of the south of Ireland. It enables the pig-farmer to economise food by fattening these animals during the summer; it offers to them the advantage of an immediate sale as soon as the pig is ready for market, whereas, formerly, they had to be fed until the usual winter season opened in October, though the increase in weight was far from proportionate to the cost. The consumer also reaps advantages in having delicious mild food at all seasons, instead of highly salted and overheld bacon.

This discovery is, however, not the only application of science to the preparation and curing of pigs. As I before stated, pigs intended for bacon for the London market must have the bristles removed by a process called "singeing," which operation has been performed by burning wheaten straw around the carcases, each 100 pigs so singed consuming from 15 to 20 cwt. of straw.

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The exports of bacon from the port of Waterford alone were, in 1859, 96,213 bales, representing 192,426 pigs, so that at least 1,500 tons of wheaten straw were consumed in the process of singeing. The straw thus used was abstracted from the manure heap, to the material detriment of the land of the district. An invention has been lately introduced by Messrs. A. and E. M. Denny, of Waterford, the object of which is to substitute coals for straw in singeing pigs: their process, which is protected by patent, is most effective; it greatly reduces the cost of the operation, bringing it down to 5 per cent. of the average cost of straw for some years past. If this system were generally adopted in the south of Ireland it would leave thousands of tons of straw which are now burnt, to be converted into manure, and thus enrich the soil which is impoverished by this abstraction.

Mr. Donnelly, in his annual return, valued the live stock of the country at the following amount:—

Cattle	£23,395,028
Sheep	3,891,630
Pigs	1,585,737

I have, on the data given in the foregoing, arrived at the conclusion that the annual value of bacon, pork, and live pigs exported, is between £3,000,000 and £4,000,000 per annum; thus showing that the entire value of the live pigs, as stated by Mr. Donnelly, is turned over about twice each year. The value of live stock, or of sheep sold annually, does not form nearly so large a proportion of the capital invested. I should say that if the annual sales of cattle and sheep are 30 per cent. of their value, it would be a very large proportion, while in pigs the annual return is equal to 200 per cent. of the capital embarked; thus showing one of the advantages to the trade, that the capital is frequently turned. But the advantage to the farmer does not stop here: it is estimated that every milch cow deprives the soil of a given quantity of superphosphate of lime per annum. Sheep also take something, but not in so great a degree; the pig, on the contrary, is an enricher, because it increases the return to the soil by the manure produced from the food it consumes, which for the last eight or ten weeks is in great part Indian corn.

The earlier maturity of the pig enables more rapid changes to be effected in the breed than can occur in animals which are longer coming to maturity, and our farmers are not slow to see the advantages of an improved breed. The visitor to our cattle shows cannot avoid being struck with the exertions to improve the race of pigs. The competition is not now confined to one class, as the nobleman and the tenant farmer are to be found side by side in this honourable competition, the object of which is to secure early maturity, and thus hasten still further the rapidity with which capital may be turned in this branch of agricultural industry. And while the Irish farmer has been endeavouring to improve the breed, and thus to increase his profits, the provision merchant has not been behind hand in the march

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of improvement; I have shown the increased scientific knowledge he has brought to bear upon the curing. The adoption of ice in summer, the substitution of coals for straw in the process of singeing, are both improvements which tend to increase the return from this manufacture. Rail and steam have contributed their quota to the same end, and all who desire the prosperity of Ireland will rejoice in seeing the provision trade increasing and extending, thus affording greater employment to her people and her capital.

The Salmon and Inland Fisheries of Ireland. By Wm. Lane Joynt, *One of the Conservators of Fisheries in the Limerick District.*

Among the numerous projects which from time to time have been devised for the improvement of the social condition of the people of Ireland, not the least deserving of consideration are those which tend to develop the industrial resources of our fisheries. The fertility of the sea by which this island is surrounded may not inaptly be compared with the proverbial fruitfulness of the soil. Strange, although the former demand no culture, no expenditure of capital, none of those scientific appliances to which alone the earth will yield its full productiveness, and is but little dependent on those genial alternations of season on which the hopes of the husbandman so much depend, yet we seem to regard with ungrateful indifference the bounty which it proffers, as though we despised a harvest which requires only to be gathered. The productive powers of those fisheries may, by good management, be increased to an unlimited degree, and successive Governments have recognised their importance by providing a special code of laws for their protection and improvement. Having fully reviewed those laws, and demonstrated their results, in a paper read by me in January last, at a meeting of the Statistical Society of Dublin, I shall, on the present occasion, confine myself to the leading principles which ought to govern the commercial branch of the subject, and add a few words of warning in reference to some contemplated changes of a retractive character, calculated, in my opinion, to impair the efficiency of a system whose utility has been proved by the experience of the past twenty years.

A comprehensive enactment, entitled the 5 & 6 Vict. c. 106, was passed in 1842, for the purpose of arresting the rapid decline which for some years previously was observed in the produce of our inland fisheries. That Act was amended by five successive measures, designed to supply those omissions and remedy those defects which its administration from time to time disclosed, but framed in strict accordance with its general principles. Not only did it prescribe rules the most effective that could be devised for insuring what should be the sole object of fishery legislation—an increased supply of fish as food for the public,—but it legalized and

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encouraged the adoption of that system of capture by fixed engines, by which, whatever error or interest may say to the contrary, the demands of commerce can alone be satisfied. In doing so it grappled with, and, it was hoped, finally decided a question which had for a lengthened period formed a fruitful source of contention between the conflicting interests into which fishery proprietorship in Ireland was divided, and to which chiefly may be attributed that want of general co-operation so detrimental to all, and which the Blue Books show prevails also extensively in England, Wales, and Scotland. The question to which I allude was that which relates to the claim of the sea coast and tidal proprietors, to take salmon in the only way in which, generally speaking, they can be taken in the sea or tideway —namely, by means of fixed nets. That our fishery Acts require consolidation, and, in some instances, further amendment, is admitted, but that reasonable cause can be shown for upsetting the main principles on which they are based, I deny. I go further, and maintain that the prosperity of the commercial branch of our fisheries (and no other interests are of sufficient importance to claim legislative attention) depends on the ratification of those principles, for it must be manifest to all that no more destructive policy could be adopted in reference to a question of imperial importance, as this admittedly is, than aiding one set of proprietors at the expense of another. It may be satisfactory on this point to cite the opinions expressed by the Commissioners of Fisheries in Ireland, who, it must be admitted, are perfectly disinterested and impartial authorities. In the printed report for 1855 (that is, thirteen years after the legal recognition of the fixed net system of fishing) they say, referring to the propriety of consolidating into one Act the code commenced in 1842 and concluded in 1850, "The general principle of those laws is approved by the country, and sufficient time has now elapsed, it may be presumed, to test their expediency."

In 1856 they observe:—"The salmon fisheries are steadily increasing in value, and in most cases are in a prosperous and flourishing condition." . . . "But we would here recommend, as we did in our last, a consolidation of the six fishery Acts into one, not with a view of affecting or altering the principle contained in the Acts, but for the purpose of rendering that plain and palpable which is at present couched in obscure and ambiguous terms." Are not these observations clearly indicative of the policy by which future legislation should be directed? I am not ignorant of the misrepresentations upon which the advocates of the sporting interest endeavour to base their theories. With signal temerity they assert that the produce of our salmon fisheries has decreased since 1842, and they assign this assumed result to the adoption of the fixed net system of capture. Where are their proofs? Will they appeal to the authority whose opinion I have just read? I presume not, for its testimony is in every particular corroborative of my views, and forms a continuous and consistent refutation of theirs. In each of the reports of the Commissioners which appeared during the decade which expired in

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1859, the rapid improvement of our inland fisheries is recorded in pointed and congratulatory terms ; and, as detailed references require more space and time than I can command, I shall content myself with referring to the evidence in my favour which those reports supply ; but I cannot resist the temptation of transcribing from the report of 1853 the following passage, as it forcibly exemplifies that hostility which improved machinery has generally to encounter :—"Perhaps, in no trade or pursuit are innovations—as the introduction of more effectual modes of fishing are frequently called—more strenuously opposed than in the fisheries, chiefly on account of their diminishing the amount of human labour required, though this opposition is ostensibly attributed to the injurious effects on the fisheries themselves, upon grounds, however, which are often frivolous, and rarely sustained by any sound evidence : nor does this remark apply merely to Ireland ; it seems to be applicable to, at least, the early history of the fisheries generally." If, as is manifest, a marked analogy exists between this opposition to fixed engines and that which at times is directed against the application of machinery to manufacturing operations, it may readily be assumed that the general results are equally analogous. The hand loom may be displaced by the steam engine ; but industry is thereby extended, and millions are more cheaply clothed. If in like manner the rod of the angler and the clumsy and uncertain device of the hand-net fisherman should be (though I deny that they are, or necessarily must be) supplanted or materially affected by more ingenious contrivances, yet enterprise will thereby be stimulated, industry better rewarded, and the supply of a nutritious and highly-prized article of consumption rendered less costly and precarious.

The present comparatively high price of salmon is by some attributed to the effects of the fixed net system of fishing. The *Times*, in a few leading articles published immediately after the issue of the English report, deplored in terms of eloquent regret that the days had passed away when salmon was cheap and plenty. Its conclusions were at least equal to the information contained in the report, and it furnished in elegant and copious English an interesting *résumé* of the conclusions of the Commissioners. But if the writer had extended his views, he would have beheld places in Ireland where salmon is still cheap, where the finest turbot sell for a few shillings each, which in the London or Manchester market would fetch a high price. The reason is obvious, for at such places the fish is remote from markets, and the expense of transit to the railway or steamship very great. Political economy teaches us that enhanced prices are indicative either of diminished supply or increased demand. To which of these causes is the present price of salmon attributable? To the latter. Salmon being like every kind of fish, a perishable commodity, yet one of universal demand, its price must, to a very considerable extent, be regulated by the means available for its transmission. So long as the means of transit were confined to the lumbering wagon or the uncertain sail, the captor

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was compelled to dispose of his perishing spoil at a price often unremunerative of his labour; but thanks to the steamboat and the railway, he can now submit it in undeteriorated condition, packed in ice, to the competitive demand not only of the British but the Continental consumer. To instance the extent of this demand, I may state that not only is the produce of the salmon fisheries of the Shannon eagerly competed for by local agents specially appointed for the chief cities of England, but a *dépôt* has lately been established at Limerick by an enterprising Frenchman for curing salmon by a novel but interesting process, the exclusive application of which has been secured by a patent. The fish is hermetically sealed in canisters in order to insure its transmission uninjured to distant markets, such as those of France, India, and Australia, to which it is largely exported. With such competition for the produce of our fisheries, and with the accelerated means of transit which the present generation enjoys, is it surprising that the price of our salmon should have increased, even with a vastly augmented supply?

Fortunately, I am not compelled to rely on uncorroborated statements in support of my views on this point. The Commissioners, so early as the year 1852, considered it advisable to refute the errors which even then prevailed on the subject. After stating in their report for that year that their anticipations of improvement were to a considerable extent realized, they say, "We referred to the high price to which salmon had attained, being a luxury only available to the wealthy portion of society, the extension of railroads and steam navigation affording means of cheap and quick transit to distant and numerous markets theretofore excluded from such supplies." The passage from which I have quoted proceeds to demonstrate the absurdity under such circumstances of regarding increased prices as data by which to test the state of the fisheries, or the results of our fishery laws, and deprecates "the erroneous conclusion that the fisheries have declined as legislative interference has advanced, unjustly and inconsiderately attributing to the laws recently enacted that which arises from the onward march of industry and civilization—namely, an increased value in an article of consumption, produced by the application of means for turning it to a profitable account." Although the evidence which I have adduced is of a character and proceeds from a source which entitle it to unreserved acceptance, yet I cannot help appealing also to some facts to negative the assertion that the adoption of the fixed net system of fishing has proved injurious to our inland fisheries. It will be admitted by all who are acquainted with their management, that in none of the seventeen districts into which Ireland is divided have the fishery laws been more energetically enforced than in the district of Limerick. The Commissioners have always regarded it as the model district of Ireland. Its importance, whether viewed in relation to its extent or the value of its fisheries, is manifest. It embraces the entire course of the "Queen of British Rivers," the Shannon, and its numerous tributaries. The extent of its tideway,

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exclusive of the latter, is seventy-seven miles, seventy at least of which are, by natural obstacles, completely closed to the use of every known means of taking salmon except those provided by fixed nets. That system has accordingly been so extensively adopted along its shores as to enable us to determine its tendency and effects. It is right I should premise that, although the use of fixed nets was sanctioned in 1842, yet it was in 1850, when the Conservation and Assessment Act, 11 & 12 Vict. c. 92, was passed, that provision was made for the due enforcement of those protective regulations which were designed to avert the evil of over capture, securing by protection a constantly increasing supply. It is, therefore, apparent that satisfactory proofs can be collected only during the period which has elapsed since the introduction of the invaluable plan of conservation provided by the latter Act, for I freely admit that it was an error on the part of the Legislature to recognise a new and improved system of capture, without at the same time providing for the effective administration of those protective measures which enable us to augment the supply in proportion to the demand. Revenue being a reliable test of the prosperity of productive pursuits, I refer to the returns of the amount of license duty annually paid to the Limerick Board of Conservators, from 1851 to 1860, on all engines of capture used in its district. The amount paid in

1851	was	£634	5	0	1856	was	£956	6	8
1852	„	662	0	0	1857	„	1,026	3	4
1853	„	754	0	0	1858	„	1,002	6	8
1854	„	788	10	0	1859	„	1,041	10	0
1855	„	817	15	0	1860	„	1,162	3	4

Now, I ask, in the face of such evidence as these returns supply, can it be asserted that not only has no improvement taken place in our fisheries, but they have actually deteriorated? It has been stated, however, that the returns to which I have referred are delusive, as they do not exhibit an increase in the number of movable engines, sporting and productive, corresponding with the admitted increase of fixed nets. This also will, on examination, be found to be erroneous, for it will be seen, by comparing the return of 1851 with that of 1860, that the increase in the number of fixed and movable nets licensed in the latter year was identical—viz., 52—while the increase in the number of sporting engines amounted to 149. Is this evidence that the sporting has been injuriously affected by the productive interests? The strength of my position may be further illustrated by the fact that, during the last few years, the salmon fisheries, both tidal and fresh water, of at least the Limerick district, have materially risen in value. As one, among many, I may instance the case of the great laxweir at Limerick, which was sold a few years since to an eminent merchant for £10,000.

The salmon is in his prime when about to leave the sea. The rapid deterioration which takes place in his condition from almost the first moment that he enters the fresh water demonstrates the folly of im-

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posing such restrictions on the mode of capture, as would give the freshwater proprietors a monopoly that would prove alike mischievous and unprofitable to themselves and disadvantageous to the public. Assuming, however, that the condition of the freshwater salmon is equal to that of the tidal, is the rod of the angler, or the uncertain device of the hand-net fisherman, capable of satisfying the demands of the home, the English, and the foreign consumer? I apprehend not, for it is notorious that, however abundantly the fresh water may be supplied with fish, their capture by rod or net will depend on such a concurrence of favourable circumstances as is but seldom enjoyed. Any mode of capture that mainly depends on the fish being a consenting party to his own destruction must in its very nature be uncertain. The influence of the weather on the instincts and inclinations of the salmon is well known. At one time it is too bright; at another too bleak; at another the water is muddy. To such influences as these the tideway is not exposed, and therefore it is the only place from which ample and regular supplies can be drawn. This statement, however, must be qualified in reference to the practice of tidal fishing with movable nets, as it is in some localities attended with extreme hardship and difficulty. The movable net can be used for the capture of salmon in only five miles of the tideway of the Shannon below Limerick, and only during the last quarter of the ebb tide. To work the net, the men must wade into the water, whatever the severity of the weather may be, or struggle through the mud, into which they sink to a depth of several feet. The sufferings which they sometimes endure were fatally exemplified during the spring of 1858 in the person of one of the Limerick fishermen, who actually died from exhaustion while assisting to draw his net to shore. To ascribe the rapid improvement which has taken place in the inland fisheries of at least the Limerick district to the adoption of an improved system of capture, may sound paradoxical, but the assertion is nevertheless true, as, but for the large amount of revenue derived from the licenses of fixed nets, the conservators would have been powerless to enforce a strict and general observance of the protective provisions of the law, and consequently unable to insure the results to which I have adverted. To illustrate the correctness of my conclusions, let it be assumed (and the assumption is, I believe, in accordance with the fact) that the number of salmon captured annually by all the fixed nets in the Shannon is about 100,000; and let it be supposed (though the supposition is, I am persuaded, far below the probability) that the protection afforded by the conservators enables them to secure an addition of 2000 pair of parent fish to their breeding stock. This apparently small increase will insure the deposit of at least 500,000 of eggs, for it has been correctly computed that the salmon lays 1000 eggs for every pound of its own weight, and as that weight ranges between 3lbs. and 30lbs., we may safely fix the average at 5lbs. Making, therefore, the most liberal allowance for casualties beyond the control of man, is it not manifest that the

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assumed destructiveness of the fixed nets is abundantly repaired by the increased supply which the revenue they yield enables the conservators to maintain? I know it will be replied that in this I prove too much; for a similar amount of revenue, derived from any other source, would, if similarly applied, produce similar results. This argument, however, suggests the question, From what other source is an equal amount of revenue likely to be obtained? Not from the Government; for they will not do what can be more effectually accomplished by a spirit of individual enterprise, and it would be unsound policy to weaken, if not altogether supplant, the principle of local conservation and local interest. It is said, however, by some, that the chief objection to fixed net fishing is the facility with which it can be adopted. This objection is answered by the great expenditure which that system demands, and by those laws which govern all industrial speculations. I submit that, as far as Ireland is concerned, it would be the most signal injustice to deprive our tidal proprietors of property legally possessed for more than twenty years, which, on the faith and security of existing enactments, has, in numerous instances, been bequeathed or inherited, or perhaps transferred by indefeasible titles under the Landed Estates Court. The propriety of assimilating the laws of Ireland to those of England is not so uniformly admitted as to render it indispensable to adopt it, under circumstances in which neither uniformity nor analogy can be discovered. Whatever principles may appear suitable to the present condition of the English and Welsh fisheries must not lead us to reverse, in reference to Ireland, a long established policy, the complete success of which has arrested the attention of the public, and led to the improved condition of the inland fisheries. It is idle to expect that the salmon fisheries of England can ever be rendered so productive as to supply the most limited commercial demand. The delicate instincts of the salmon will cause him to shun the polluted streams of a great manufacturing country. It is to Ireland and Scotland the British public must look chiefly for their supply; and it is for them to determine whether that supply can more safely be intrusted to the agency of sporting impulses and the uncertain operation of rude and ancient contrivances, or to those improved machines and that spirit of commercial enterprise on which the public can ever depend as long as they furnish the demand. The Bill for the Regulation of English Salmon Fisheries has now received the Royal Assent. It is short and simple in its provisions, some of which are well-conceived and necessary—that, for instance, which requires a free gap or Queen's share in all find weirs, and fish passes in all mill dams. All fixed engines on the coast or in the tideways are abolished, and this was perhaps necessary from the decayed condition of the fisheries; but in the House of Lords the clause was altered by the insertion of words which will open a fruitful source of litigation. There are no boards of conservators appointed. The experience of the Irish Fishery Laws for twenty years, and their success, have been passed over or ignored; and the Home Office, because, I suppose, it has so little to do, and

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two commissioners of fisheries to be appointed under the new Act, who will have more than enough to do for ten or twenty commissioners, are intrusted with the conservation of all the English fisheries and the execution of the Act. It is probable it has been passed for experiment alone, and may be further amended next year, but it is idle to hope for good results from a machinery so defective and inadequate. Before the question of our fisheries is again submitted to Parliament, I trust a full inquiry will be instituted, so that their state and condition may be accurately determined. It will then be seen whether more credit is due to the statements of the monopolists, or to those reports which the Commissioners have, during the past ten years, annually submitted to Parliament. The result of such an inquiry will manifest the existence of a prosperity unknown in Scotland or England, and establish beyond dispute the fact that wherever a marked improvement is not visible, the fault is attributable, not to the system at present in operation, but to a lax and imperfect administration of the law. Let the fishing season be confined within provided limits; let the regulations in reference to weekly and annual close time be enforced and extended, if necessary; let proper free gaps be formed and maintained in fishing weirs, and effective fish passes constructed in mill dams; let suitable protection be afforded to the spawning fish, and that destructive system of poaching by torch and spear be suppressed. If this be done, the freshwater proprietors will soon perceive that the disappointments which they occasionally deplore are to be ascribed, not to the system which they denounce, but to remissness in enforcing those observances which were designed to increase the number, and add to the protection of the spawning fish. The Bill by which our present laws are to be consolidated and amended will, I trust, be free from those absurdities and evidences of class legislation, by which the otherwise fair features of the Bill of 1860 were disfigured, and which led to its repudiation on the part of the Government, and its non-introduction during the Session which has just closed. It is unnecessary now to advert further to that measure, as at the commencement of the present year I called attention to the glaring injustice and impolicy of some of its provisions, those especially which interfered with the rights of the public. These mistakes will, I trust, not be repeated, nor public indignation be again aroused by anything approaching to an official confiscation of public rights and privileges. The Report of the Irish Commissioners just published states that the Bill has been amended, and is ready to be introduced next Session; and I trust the recommendations of the Limerick Board of Conservation, furnished in February last, have met with that attention which their practical value demands and will be certain to receive at the hands of the Legislature.

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Irish Fisheries. *By* WILLIAM ANDREWS.

THE subject of the fisheries of a country is one of such vast national importance that to place before you the details in their proper value and extent, within the limits now assigned, would be an impossibility, embracing as they do the several branches of the deep sea and the shore fisheries, without reference to those that comprise our rivers, lakes, and tidal portions of the former. When we enter more into their commercial value, and to the social condition of the fisherman, we must necessarily refer to those stupendous affairs the Blue Books of the country, to trace the increase or decrease, the advantages or disadvantages, that may mark one period of years in comparison with others, and to learn really what have been the effects in the several branches of the fisheries with respect to the progressive improvement that has been so generally developed in all other classes of industry in the British isles. Alas! those bulky reports convey no very cheering views of the fisheries, in comparison with the great strides of advancement in our agricultural districts; and indeed it is not to be surprised at, when we attempt to study such documentary evidence, incumbered with unproductive information and useless knowledge.

These remarks especially bear reference to Reports of the Fisheries of Ireland—in which for the last ten years the Inspecting Commissioners gratify us with reviews of their favourable and steady progress (occasionally depressed by adverse seasons) and of the wholesome laws by which those Inspecting Commissioners have os peacefully regulated them; to such reviews I can never assent, nor can I forbear representing that nothing can be more lamentable than the present state of the fisheries, and the condition of the coast fishermen. In referring to the statistics of the past ten years, we find that in the British fisheries there has been a decline in the number and value of the boats employed, and in the number of seamen and boys engaged in them; but, on the other hand, the exports in cured cod, and ling, and barrelled herrings, have been favourably maintained, and the great exports of the latter to Stettin, and other continental ports, still continue, while a wide field of such commercial intercourse is likely to be opened with the Austrian dominions.

The Report of the Commissioners of British Fisheries for the year 1850 shows by the returns that in the cod, ling, and herring fisheries there were 14,962 boats, manned by 59,792 fishermen and boys; the total value of boats, nets, and lines being £1,890,090. This value, however, shows a decrease from the preceding year of £60,988, and a decrease of 100 boats and 554 fishermen. In the return for 1860 the boats employed in those fisheries are 12,721, manned by 42,430 fishermen and boys, and their estimated value, with nets and lines, £750,196, showing a decrease during the last ten years. Now, with reference to the Irish fisheries, the Inspecting Commissioners' Report gives the state of the registry of fishing vessels on the coast of

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Ireland to 1st January, 1861, as—Boats of all classes, 12,045 ; men employed in them, 44,868 ; boys, 3,768 : total, 48,636. But these returns show a lamentable falling off in the last ten years ; and even since January, 1860, the decrease has been great.

When we refer to the Poor Law unions and electoral divisions detailed in the census, we find in the south-west of Ireland, especially the unions in Kerry, as Cahirciveen, and Dingle—which take in a number of fishing villages—a most melancholy decrease of population, caused by famine and cholera, for the ten years ending 1851, and a great falling off by emigration to 1861, the decrease in the town of Dingle alone being 8,503 for the ten years ending 1851. Even with these great drawbacks by death and emigration, with which the greater parts of the coasts of Ireland have been more or less afflicted, it is seen that in proportion to the returns of the British fisheries, Ireland apparently assumes numerically an equal position with England to carry out the fisheries of its coasts.

By the British Fishery Returns, 681,193 barrels of herrings were cured in 1860. Of these 377,970 were exported—291,401 barrels to the Continent, and to unlucky Ireland 90,000, being by that country an increasing annual import for some years past. The port of Belfast alone imported, in the year 1858, 15,489 barrels ; in 1859, 16,956 barrels ; and in 1860, 22,568 barrels. The imports of ling and cod have been equally large, and would, with those of herrings, altogether represent an annual outlay from the country of £160,000. It is seen that the returns of the coasts of Ireland show an almost numerical equality with England in boats and men ; but the erroneous classification of those boats in the registry will explain their sad deficiency, and the poverty of the men their inferiority. In the herring fishery alone, we may explain that the boats employed on the coast of England—say, on the coast of Sussex—are thirty-five tons, forty feet long, and fourteen feet beam, six feet in depth, copper-fastened, and cost about £320. These boats are manned by seven men and a boy, and usually store 120 mackerel nets and 70 herring nets, which, with the boats, when fitted for sea, are valued at £860. The Yarmouth and east coast boats are generally luggers, of from 36 to 55 tons. A 54-ton boat would cost £550, and when complete, with all her nets and warps, would be valued at £1000. The boats at Wick are large open yawls, which will cost when equipped for sea £150. The generality of the best class of boats used on the west and south-west coasts of Ireland, complete, with all their nets, would not exceed £30 to £50. The general average of each piece of net is about 22 fathoms long and 5 fathoms deep, and in most cases the entire length of nets, which are made up of eight pieces, do not exceed in length 480 yards, and eight yards in depth. These boats, therefore, can only venture to the fishing when the herrings, late in the summer, approach the inlets of our bays to spawn, for they are altogether unequal to contend with the sea, or to attempt with their shallow and limited length of nets the capture of the herring and the mackerel in the earlier part of the season, when

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those fish are further from the land in deep water, which the Yarmouth and Sussex boats so advantageously accomplish. The same views are applicable to the boats engaged on the coasts of Ireland in the ling and cod fisheries, canoes and small class hookers, that can now reap the benefit of the seasons in the splendid fishing grounds that are around our coasts. When some exertions were made to improve those fisheries in Ireland by introducing a better class of boat and a better system of curing, one of the most eminent firms in the trade in this city decided that the quality and value of the ling cured on the west coast of Ireland were not inferior to the best Shetland ling, and had that system been encouraged the fish could have been obtained in the greatest abundance.

The Inspecting Commissioners, however, advocate a small class of boats as the most desirable, and state that the fishermen give a preference to them, referring in their report for the past year to the case at Valencia, where a large boat lies decaying on the beach, but which was never fit for sea. It is not right to crush enterprise by such absurd assertions, for it can be shown that wherever regular fishing stations formed for useful industry exist, the men are always desirous of a better class of boat, that would afford them comfort and protection at sea, and better success in the fishing grounds. It is poverty and destitution that confine them to row-boats and canoes, in places where shelter or harbours for larger boats are good. Another favoured system is the trammel-net fishery. I do not oppose the employment of trammels when properly and usefully exercised, but of all other modes they are the least calculated to improve our fisheries or to make seamen. Farmers and farm labourers are the general proprietors and fishers; and so lubberly are their modes of working, and so frequently are they subverters of the public peace, and opposers of more valuable and more useful principles of fishing, that it is inconceivable why such systems are protected to such an extent, while, on the other hand, prohibitory boundary lines web our coasts against trawling —a mode of fishing of all others at present pursued on the coast of Ireland the most beneficial for the formation of good seamen and for the supplying of our markets. Reference to the Commissioners' reports prove that the great increase of traffic shown by the returns of the Great Southern and Western and Midland Great Western Railways is principally derived from those stations where trawling has been established. Besides, in the social condition and comfort of the men and their families, compare the trawler with the hook-man. In the former, comfort, cleanliness, and smartness of dress, and superiority of appearance as seamen are shown; while the poor hooker and curragh man present the same dejected and unimproved condition as in years past. A poor boy ten years since was known to me in Dingle; he was a canoe fisher, afterwards he got employment in a trawler; he is now master of his own boat, for which he paid £150 for fitting out, and he and his brother are thorough seamen and good fishermen. Others that I have known

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who were similarly circumstanced are now comfortable in their homes, and experienced as fishermen and seamen when at sea.

Now let us see what has been done for Ireland in the way of encouragement and legislative aid. According to a return printed by order of the House of Commons, no less a sum than £1,283,721 4*s.* 0½*d.* has been granted for the encouragement of the British fisheries from the year 1809 to 1841, which is a serious amount to be handed to a country fraught with capital and enterprise; while to her poorer neighbour, Ireland, but little was yielded to relieve her wretchedness or stimulate her industry until 1819, from which year to 1830, a period of eleven years, the sum of £259,358 6*s.* 6*d.* was doled out—more than a million less than to England. In 1830 all Government aid to Ireland ceased; still, our richer neighbours, England and Scotland, were cherished by the Treasury; and while to the latter £12,000 to £14,000 were annually granted, luckless Ireland did not receive more than so many hundreds. This deprivation of fishermen has had its evil effects; for when cholera and famine pervaded the land thousands were snatched away, and those who weathered such trials sought other countries, and ever since the tide of emigration has been flowing. I hold in my hand a list of able-bodied fishermen that ten years since were on our shores, now two-thirds are on American soil. Surely it would have been our interest to restrain by some encouraging and palliative means the tide of emigration, while at the same time advancing our fisheries and securing our seamen, now, when the muster of our navy ought to be 80,000 men to keep pace with the rapid strides of France—a force greater in peace than the wars required in the days of Nelson and Collingwood.

In conclusion, I will deal with one other example of the absurdity and ignorance of fishery legislation. It is with respect to the clamour of hook-men against trawlers. In an inquiry held at Mullaghmore, on the coast of Donegal, on the 15th of June last, a hook-man's evidence was received of the injury caused to spawn by a trawl boat, and the consequent destruction to the fish on the fishing ground. The hook-man averred the taking up of the spawn on his lines, described it, and considered the case as established. The reputed spawn was a mollusc, an ascidian, the *Ascidia mentula*, which is by no means uncommon on the west coast, in harbours as well as in deep water. An intimate knowledge of zoology, animal distribution, geological features, geographical position, the topography of coasts and bays, character of soundings, temperature and set of currents, must all be taken into consideration when testing the importance of the fisheries of any country or district with regard to their commercial value, or to their development.

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SUPPLY OF COTTON.

On the Cotton Supply of Africa. *By* LYONS M'LEOD, F.R.G.S.

I HAVE the honour to appear on the present occasion as one of the delegates commissioned by the Council of the African Aid Society to respond to the invitation of the Council of the National Association for the Promotion of Social Science, to read a paper "On the Supply of Cotton from Africa." My co-delegate, Mr. Bazley, M.P. for Manchester, will doubtless enter fully into the question of the supply of cotton from various parts of the globe—a subject with which he has proved himself familiar for many years. This enables me to devote my paper entirely to the capabilities of Africa for producing cotton. I shall endeavour to prove that Africa is the nearest and most extensive cotton field for European markets, and, when fully developed, will afford the most certain and varied supplies to our manufacturers. The limits of this paper will not permit me to enter into the discussion that Africa was the original *habitat* of the cotton plant, but Virgil, in one of the Georgics, mentions cotton as one of the productions of Africa. At present we know that, with occasional intervals, the plant flourishes through the whole length and breadth of that great continent, from Algeria and Morocco, in the Mediterranean, to the Cape of Good Hope and Natal, in the Southern Ocean, and from Zanzibar and Delagoa Bay, on the east coast, to Cape de Verde and Angola, on the west coast. The climate and soil are favourable to its growth, and labour is so abundant that it has been the mart for supplying the cotton-producing districts of America. Capital, and the organizing of that labour in Africa, with facilities for transport to the coast, are alone required to produce an abundant supply at two-thirds the cost at which it can now be supplied from America.

Of the claims of Africa on British philanthropy I will say nothing, although it would not be difficult to prove statistically that the enormous population of which we and other Christian nations have deprived her, by the operation of the devastating foreign slave trade, must, had it been allowed to remain and increase in the land, have made the rapid development of her great resources much easier than it can now be, even under the influence of a cotton panic. To what localities in Africa should attention be immediately directed for stimulating the production of cotton? Algeria may, and ought to be, left to the French Government and people. Morocco could, no doubt, double her supply of cotton in a short time; but there are serious objections to any pressure in that direction, for the slave trade carried on by the Moors with the interior of Africa, as far as and even beyond Senegambia, is of a most cruel and destructive

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character; and every increase of cotton supply from Morocco would, I fear, be attended with a corresponding increase of that peculiarly atrocious slave trade which the British Government has no power to repress. To Tunis the same objections more or less apply. The Egyptian cotton, from its quality, has long been a favourite with our manufacturers, and the Cotton Supply Association is making strenuous exertions for an increased production, which have been favourably entertained by the present enlightened ruler of that country. From the Gambia to the Niger, on the west coast, cotton may be found everywhere, although it is not always utilized. In Senegambia the natives are accustomed to manufacture it, producing a good, strong, serviceable cloth, four inches wide. These strips are sown together to make garments. The negroes are clever in the art of dyeing it of various colours, using no mordant, and yet securing a lasting dye. Wherever cotton is thus utilized, its cultivation might be stimulated. The British settlement at Macarthy's Island, on the river Gambia, might, by the adoption of proper measures, be made useful in developing the cotton production in Senegambia. The Pongas country, lying between the Gambia and Sierra Leone, being hot and humid, is exceedingly favourable for the production of cotton of a superior quality. Cotton grows wild over the whole district, but it has never been utilized, and the surrounding country has been very much depopulated by the slave trade. The African Aid Society sent a cotton gin by the Bishop of Sierra Leone to the principal missionary station on the Pongas River; and the great slave trade chief at Tete, at a higher point on the river, has assured the missionaries that if it can be proved that it is worth his while to grow cotton for England, he will abandon the slave trade and cause cotton to be cultivated in his territories. The British settlement of Sierra Leone is also endeavouring to develop the cotton industry. Liberia, although admirably adapted to the growth of cotton, is devoting its nascent energies to the cultivation of the sugar cane, of which it is believed there will be 1000 acres under crop this year; but efforts are being made to obtain a simultaneous advance in cotton. The Gold Coast has hitherto done nothing as regards cotton supply; but there are large tracts of fertile land from which great quantities might be obtained if anything like a systematic cultivation could be induced. Mr. Hutton, under the auspices of the Cotton Supply Association, has proceeded to the Gold Coast for the purpose of developing this district. The Basle missionaries on the Ashantee frontier are instructing the natives in agriculture and mechanical arts, and have turned their attention to the production of cotton.

It is understood that if the African Aid Society can afford them some assistance in making a road for carts to convey produce for shipment, the cotton supply in that district will be rapidly developed.*

Passing by a territory to which your attention will presently be

* A grant has been made for this purpose.

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called, there is nothing worthy of notice until we reach Angola. The Portuguese Government in that province are making efforts to promote the growth of cotton, which is produced of good quality. About 1,000,000lbs. were obtained during the past twelve months. Although this cotton will not come to Great Britain, it will add to the general supply, and lessen the demand of Portugal on the crops of Brazil and the United States.

Having thus treated of African cotton-producing countries, from which it will be difficult to obtain any rapid increase of supply, although the welfare of Great Britain and Ireland demands that it should be stimulated in all of them, by which they may all become eventually important sources of supply, your attention is now requested to those more extensive cotton fields which will amply and speedily repay any exertion that may be used to develop their rich resources; and however successful may be the efforts now making, and to be made, in India, the national safety, as well as the world's wants, demand that the facilities that exist in those districts of Africa about to be treated of should be no longer neglected, because this country ought never to be dependent upon one principal source of supply, whether that source be the United States or India. Suppose the cotton cultivation to be destroyed in the United States, and an Indian supply called into existence to fill up the void, causes might in turn affect the production in the chief Indian districts, and the mother country be plunged anew into a state of apprehension and danger as regards those enormous and profitable industries dependent upon a reliable and adequate supply of cotton. The error of the past should not be repeated. Our efforts should be directed to this,—that there shall be no future virtual monopoly of the cotton market, such as the United States have possessed, and which led to the injurious boast that American cotton was a monarch that controlled the policy of the greatest European States, and could dictate its laws to the most gigantic industries this world has ever known. Our supplies ought in future to be obtained from half a dozen principal sources, each so abundant that the failure of any one should not be able to interfere with the regular working of the spindle and the loom in the manufactories of the United Kingdom to the fullest extent that the necessities of the world might at any given period require.

There are three great divisions of Africa, each of which ought to be elevated to the position of one of those principal sources, viz.:—First, on the west coast, all that district lying between the valleys of the Volta and the Niger, the heart of which is known as the Yoruba country. Secondly, on the east coast, Natal and the bordering territories, especially towards Delagoa Bay. Thirdly, the coast line for 20 degrees of latitude north and south of the Equator, together with Madagascar, the Seychelles, and other islands of the Ethiopian Archipelago.

In 1851 Mr. Consul Campbell, then stationed at Lagos, drew attention to the probable amount of cotton consumed in and exported from

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Abbeokuta, a town containing a population of 100,000, and distant from Lagos nearly eighty miles. He stated that the people of Abbeokuta exported near 200,000 country cloths annually. These cloths are purchased for transportation to Brazil, where there are thousands of African slaves who still dress in the same style as when in their native land. He supposed that full 200,000 country cloths were manufactured for home use, which would make the probable number manufactured 400,000; and he calculated 2½lb. as the average weight of each country cloth; and 400,000 multiplied by 2½ gives 1,000,000lb. of cotton manufactured by the natives of the interior of Africa, in one locality—that is, Yoruba. We had then commenced, though on a small scale, to draw supplies of the raw material from Abbeokuta.

Twelve years ago about 250lb. was the quantity obtained and sent to this country in one year. Now nearly 500,000lbs. per annum are exported, and the amount would last year have been 1,000,000lbs., had not the fear of an attack on Abbeokuta by the King of Dahomey prevented those industrious people from proceeding to the cotton fields until the rains had set in, when, of course, much of their cotton was destroyed. If the same rate of progress were continued for the next ten years, Abbeokuta alone would export, not 1,000,000lb., but 2,000,000,000lb. of raw cotton. But this is a mere point in that extensive country now brought under your notice, and from which, with due encouragement, the supply may be unlimited in quantity.

The African Aid Society, having faith in a great future for the African races, is endeavouring to do away with all influences which impede the development of the industry of Abbeokuta. For this purpose the present Government was memorialized by the Chambers of Commerce, through the African Aid Society, to appoint a consul at Abbeokuta. Earl Russell has acceded to the prayer of the memorialists, and Mr. Taylor has been appointed vice-consul at Abbeokuta. This will show the King of Dahomey that the Abbeokutans are under the protection of our Government; and although that city, with its 100,000 industrious inhabitants, is a tempting prize to the despot at Abomey, he will now reflect before carrying out the wishes of the Portuguese slave-dealers at Whydah and Popo to sack that city and supply their insatiable demand for slaves. Measures are also being taken by the society for opening up the Rabba cotton-growing country at the confluence of the Niger and Chadda, so that we may soon expect to hear that those mighty highways of commerce are carrying on their bosoms the raw materials for our manufactures, instead of cargoes of groaning negroes on their way to the ocean, to be transported to another continent for the purpose of producing a material abundant in their native land. Meanwhile other places in the Yoruba district are encouraged to become rivals to Abbeokuta. But the great drawback to industrial progress in those parts is the King of Dahomey, his slave-hunts, and annual massacres.

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The African Aid Society has urged, and is assisting, by supplying valuable information from time to time, the Government of Great Britain to put an end, by treaty and subsidy or otherwise, to the slave trading of the King and chiefs of Dahomey.* Let this be accomplished, and British consular authority be established at Abomey and other places in the interior, and a population of some millions will be able to devote themselves to peaceful industries. With the assistance and stimulus of imported skilled coloured labour from Canada, and capital, combined with the improvement of roads and communications generally, the rapid development of this district will, in a few years, afford us a constantly increasing supply of cotton.

The entire suppression, the annihilation of the slave trade in the Bight of Benin will pacify the whole interior; and it must be borne in mind that the districts of which we are speaking extend in one direction to Kano on the Niger, in the country beyond which a shirt is the only unfailing circulating medium for purchasing provisions and produce. There must be great hope of a cotton supply from a country where a cotton shirt is the established standard of value in monetary transactions.

The enemies of the African races tell us that they will not labour. Abbeokuta disproves the assertion. The following extracts from the *Iwe Irohin*, published at Abbeokuta, September, 1860, bear upon this and the other points of which we have been treating:—"There are advantages which should have been felt long since—viz., the vast extent of the continent, its fertility, and its comparatively short distance from England. But the slave trade has shut up the country, enveloped it in a mist of ignorance, with the view of keeping it as hunting ground, in which mankind are ensnared to supply the waste of human life in other countries, and keep up such an increase as the demand for cotton, sugar, tobacco, &c., may require.

"The limits as regards soil or climate are to us unknown. There are, doubtless, certain localities with a soil better adapted than others for the cotton plant, but this is a question of degree only. We can safely affirm, from the sea coast to the interior, as far as our knowledge of the country extends, the cotton plant was cultivated by the natives.

"The labour power of the country has not been tested; it is, in fact, unknown; but the value of labour is well known by a money standard. The labourer of Abbeokuta, who works by the month, gets not more than 12,000 cowries per month, which, at the highest value of cowries for the last twelve months, gives 10*s.* 9½*d.* per month. Many work for less. 4½*d.* per day is very commonly given for a daily labourer by Europeans. . . . By a moderate estimate, the whole of the country between the sea about Lagos and the Niger in the interior, is within 150 miles of water communication leading to the sea. Without making any improvement, the country

* A British commissioner has been despatched to Dahomey.

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in its present state is thus situated:—The more remote districts, by an easy land journey, can reach the Niger, and those on this side, by an easy land journey, can reach the navigable parts of the small rivers flowing into the lagoons about Lagos.

"The advantages the country presents for the cultivation of cotton for the European markets may be summed up thus:—It is as near Europe as America. The climate and soil are suitable to cotton. It has been long cultivated by the natives for home consumption. There are a large and industrious population, cheap labour, natural facilities for making roads, and water communication."

There you have labour at one-tenth of what a slave costs in America for interest on capital, maintenance, and other expenses. African cotton can be grown cheaper than American (with an average price of slaves of about £147 10*s.*) and equally as cheap as East Indian, whilst in the market African cotton is worth as much as a fair quality of New Orleans cotton, and from 1½*d.* to 2½*d.* more than East Indian cotton; and all that is wanting to make freights cheaper is quantity and proper packing. A road for carts is much wanted from Abbeokuta to a point on the river sixty miles distant, where the water has not less than six feet of depth during the dry season. The African Aid Society has been petitioned to assist a local organization that has been formed for making this road, as well as one from Abbeokuta to Ijaye, both most important for a large production and export of cotton as well as palm oil and other valuable commodities.

We have next to consider Natal. The capabilities of this British colony, situated on the south-east seaboard of Africa, are well established. Soil and climate are all that can be desired. It produces both the Sea Island and New Orleans varieties. The extent of available land is very great. This, with the Zulu Kaffirland, must be made one of the great sources of our supply.

The following from the *African Times* of August 1, 1861, inserted on the best authority, speaks volumes:—"Cotton attracts increased attention throughout the colony. Government induced some of the Zulu inhabitants to grow cotton, and have succeeded to some extent. Several bales of superior cotton have been produced, and efforts are being made to extend the cultivation. Experience has sufficiently proved that, with care, 600lb. of cotton per acre may be obtained in Natal; that may be assumed as a fair average. The plant, moreover, continues to bloom for a long succession of years. Sea Island appears to be the description best adapted to the coast, while inferior sorts are better fitted for the cultivation of natives. Coolies having been successfully introduced, the labour question has met with a solution; and if Manchester capitalists are disposed to assist Natal growers in any way, they cannot do so more effectually than by importing a number of coolies, and distributing them to men of small means on the coast or elsewhere, who will agree to certain terms regarding the payment of expenses, and the guaranteed supply of cotton. This would be a most certain and satisfactory method of

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insuring the extended growth of the plant. It would open a remunerative avenue of enterprise to men of small means, who shrink from the costlier responsibilities of sugar-planting, and would render much useless land available."

In speaking of the east coast of Africa as a cotton-producing country, it will be proper to inquire into the physical causes which contribute towards the production of that very beautiful long Sea Island staple, which is so much valued by cotton manufacturers. The cause of the long staple is the great equatorial current known as the Gulf Stream, issuing from the Gulf of Mexico, and creating a moist and warm atmosphere, which, accompanied by the saline breezes from the ocean, produces the long fleecy variety known as, and cultivated on the Sea Islands in Florida, Georgia, and South Carolina. A similar effect is produced in Eastern Africa by this equatorial current, which, flowing from the Equator to the South Pole, in its return to restore the equilibrium at the Equator, passes across the Indian Ocean, striking the east coast of Africa at Cape Delgado, is deflected north towards the Red Sea, and to the south round the Cape of Good Hope. The whole of that coast line is, therefore, well adapted for the production of the long Sea Island cotton, while the healthy terraces in the interior produce cotton in so great abundance that Dr. Livingstone has purchased a ball of spun cotton, weighing 16½ ounces, for one pennyworth of calico. On these healthy terraces, the Oxford, Cambridge, Dublin, and Durham Mission will be located, thereby getting in the rear of the dark places inhabited by the Portuguese slave dealers. What a glorious future does this promise to Africa, and what an abundant cotton field will then be laid open to British enterprise! The magnificent island of Madagascar is bathed by the equatorial stream just referred to, and produces cotton in many parts. To secure its being opened to the trade of this country, it is only necessary to secure its independence by a tripartite treaty between England, France, and the United States. Thoughtful men are turning their attention to this subject, and, doubtless, in a few years Madagascar will be open to commerce, Christianity, and civilization. To the north-east of Madagascar lies the group of the Seychelles, which produces cotton that cannot be surpassed by any in the world; attention is now being turned to its cultivation there, and doubtless that dependency of Mauritius will soon be numbered among the cotton-producing colonies of Great Britain. The time has arrived when our merchants should push our commerce in East and West Africa. Commerce is the golden link which binds rival nations in the bonds of peace: the daughter of necessity, cradled by want, she becomes the handmaid of Christianity and the mother of civilization.

With Cotton, Employment and Food; without, Famine and Expatriation. *By* THOMAS BAZLEY, M.P.

WHEN civilization has advanced, and the soil of any country, with the aid of scientific cultivation, has yielded all the fruits that can be

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obtained from it in support of its inhabitants, and when such fruits or productions are inadequate to supply animal sustenance in abundance, as well as the means of paying for those foreign necessaries and luxuries which intercourse with the world has established as wants, the needed imports can only be procured by the exchange of mineral or manufactured products. With the increase of population labour will have become redundant, and, ceasing to be increasingly required in the cultivation of the earth, it is directed by necessity, intelligence, and the love of possessing without limitation all the comforts and elegances of life, to devise means and agencies which may add new productions to the consumption of the domestic circle at home, and furnish in the results of industry metals and manufactures, as exports wherewith to obtain foreign produce, perhaps in the form of raw materials, or in the welcome contributions of corn, oil, and other fruits of distant lands. An increasing people with soil of limited extent must therefore, either by skill, ingenuity, and industry, obtain the means of employment at home, or seek subsistence and employment by emigration to some foreign country. Through an initiatory course of labour, supported by skill and indomitable perseverance, this country has passed from pastoral pursuits to the production of cereals and of horticultural crops, to the investigation of mineral treasures, and to the foundation of a career of engineering, mechanical, and manufacturing distinction such as no other nation in the world has previously beheld. During the transitions which have taken place, labour has been gradually absorbed from agriculture; has taken profitable refuge first in mining occupations and lastly in the structure of our unparalleled engineering and manufacturing system. At all times domestic wants have engaged domestic labour, the distaff and spindle have from time immemorial given the woollen or flaxen thread, the knitting needle has been a valuable implement of industry, and the rude hand-loom, chiefly in inclement weather, worked by some rural arm, fabricated the clothing of the household, whether rich or poor. The village Vulcan has always been a most valuable and important labourer in the onward course of material improvement, and his head and arm, both almost equally strong, have struck from his anvil many an early wonder and rude contrivance by which another lever of progress was called into existence, and all the wants of his age within the reach of his genius were supplied. More than two thousand years ago the mineral wealth of Albion was known and appreciated. Tempted by it the Romans happily conquered and subdued our early progenitors, but gave full equivalents for their conquest, by introducing the valuable arts of civilization, of construction in roads and bridges, and by initiating a system of jurisprudence, all of which greatly contributed to the laying of a nation's foundation, and to the development of the vast resources and powers of an infant empire. From the earliest periods of our history, our records tell us, that our people have been enterprising and industrious, and when free from strife or war at home and abroad, their advancement in civilization, in works of public and private usefulness, in construc-

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tive inventions, and in mental acquisitions, has been a leading characteristic. The subjugation of difficulties has been their triumph, and the result of labour their reward.

In the last few centuries apprehensions have been entertained that the soil of Britain was unequal to the support of a continually increasing population, and in the reign of Queen Elizabeth restrictive limits to the increase of dwellings were attempted to be enforced. Improvements in agriculture nevertheless greatly relieved the pressing necessity for imported supplies of food, and, upon the whole, to the commencement of the present century, home produce supplied increasing wants; but in the reign of George the Third, the agricultural products were inadequate to afford abundance to the greatly enlarged population. The landed proprietors were aware of this fact, and being pressed by the heavy taxation resulting from the costly Continental wars, obtained from the Legislature protection for corn under the double plea of being enabled to meet the demands of the people for food, and of the national exchequer for the exigencies of the State. Thus arose a system by which the people were deprived of food and comforts, which their labour could have abundantly procured for them in the free markets of the world. Under extraordinary difficulties this system of protection was continued to the year 1846, but then wise counsels prevailed, and corn became essentially a free commodity of exchange, and the advent of prosperity was commenced which has, without precedent, afforded to all classes of our country ample rewards for capital and labour. Food having consequently been provided for, and its unrestricted foreign import being permitted, the production at home of everything which could be converted into exports for the payment of additional comforts was excited to unwonted activity.

Mineral products could neither employ the surplus population, nor find foreign markets in which they could be vended to an extent which would pay for the vastly increasing imports of foreign commodities. The industry engaged in the fabrication of woollen manufactures has been circumscribed by the limited production of home-grown wool; and though large imports of beautifully fine wool have given a great impulse to this branch of business, yet the people neither of this nor of any other country required woollen fabrics enough to employ labour to the extent of its increased existence in this country, or to consume productions of this class to supply payment for the whole of those imports. Linen yarns and fabrics have been produced by well paid and well supplied labour, but this industry alone could not provide payment for the large imports poured into the country.

Flax may be regarded as a foreign production, as now consumed by British manufacturers, and no doubt the extent of the industry employed upon it has been limited by the deficient, irregular, and costly supply of this raw material, great inconvenience having been sustained by capitalists and labourers from its insufficient production. To the honour of the spirited flax-spinners of Belfast, and of other

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places, successful attempts are being made in India to introduce the cultivation of this valuable material into that vast dominion. Without the increased production of wool in Australia, the industry of Yorkshire must have pined in want; and without the effort to procure additional supplies of flax, this latter trade must remain of limited extent. Other foreign products—silks, skins, and woods—have afforded profitable labour to our constantly increasing work-people, but have only contributed a minor share of the payments required for imports. After exhausting the application of native products to manufacturing employment, it is obvious that materials whereon to engage the skill and labour of our people must be obtained from foreign sources; and if these materials cannot be procured, the inference is clear, that the boundary which limits labour has become fixed, and, lacking employment, the earning of subsistence is impossible; hence, starvation, pauperism, and compulsory emigration, are the barriers defining the extent of home employment. Beyond the materials referred to, cotton has contributed more importantly than any other to sustain the social fabric, to promote the industrial prosperity of the British empire, to afford employment to the increasing population, to diffuse comforts at home and abroad, to recompense capital and labour, to replenish an ever-craving national exchequer, and to raise the manufacturing, moral, and intellectual standard of the working classes of this country to a higher eminence than has been attained in any other country. Three-quarters of a century ago, at the juncture when the growing wants of the increasing people required enlarged supplies of food and of the means of labour, there were mighty men, of mental and mechanical valour, who gave to labour the auxiliaries of the steam-engine and of machines, apparently to diminish labour, but in reality to afford employment to an unprecedented extent. Watt, Arkwright, Crompton, and Heathcoat, originated inventions which have enriched their country and benefited mankind. The current of industry has sustained the expansion of population from the time of George the Third to the reign of Queen Victoria, beginning with less than fifteen, but extending to thirty millions of the best fed and clad people in the whole world. Probably no industry has equalled that engaged upon cotton in providing for the labouring classes improved dwellings and social position, as well as comforts. The Legislature has wisely regulated the hours of labour for women and young persons employed in factories, and has made it indispensable to provide for the education of all children working in mills; and the results, morally, physically, and industriously, are exceedingly satisfactory. More than a million of individuals derive direct employment from this industry; but as for every single person employed there will be three more of the old and young who depend chiefly upon the wages of the worker, these, added to the workers in the auxiliary or ministering trades, produce a mass of the population exceeding five millions in number, who depend on it almost for their

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very existence, and without doubt for the blessings of abundance which they have hitherto enjoyed.

For a considerable time there had been a domestic cotton trade in this country, to nurture and develop which the banished Flemings brought their skill and knowledge, but the extent of it was very insignificant; the raw material for it was, however, supplied from the Levant and Turkey; but in the transition state, between the abandonment of the hand industry and the matured introduction of machinery, cotton was obtained from the British West Indies, yet the dominant interest in those colonies procured protection for the growth of sugar and forsook the cultivation of cotton.

Coincident with the mechanical discoveries which originated the factory system, and called forth the jenny of Hargreaves, the throstle of Arkwright, and the mule of Crompton, as cotton spinning machines, a spirited and enterprising citizen of Charleston in the United States, Seabrook, was induced to begin the culture of cotton. With labour imported from Africa, and seed probably from the Bahama Islands, this new agricultural venture began. The experiment was successful, but the heat of the summer of the southern portion of the States of America precluded the possibility of European labour being employed in its agriculture, and the negro, a legacy left by this country, was engaged as the planter's drudge. Thus, with a labourer who was not an aboriginal of the States, and a plant that was not indigenous to the soil, a vast agricultural industry was begun, which, thriving beyond every anticipation, has extended and increased till the value of a year's crop of American cotton amounts to forty million pounds sterling.

During the rapid progress of the cotton trade there have been supplies of the raw material from the British East Indies, but these have been of a quality so inferior and dirty that the British manufacturer could not with benefit use them to any great extent; yet for a period of three thousand years cotton has been grown and manufactured in that immense dependency, but from causes chiefly of governmental retardation its capability has not been developed. From the Brazils, and Spanish South America, good and steady but limited supplies have been received. About forty years ago Mehemet Ali conceived the possibility of growing cotton in Egypt, and with his energy, determination, and perseverance, he triumphed over all difficulties, and established an industry which now returns to Egypt several million pounds sterling per annum.

Egyptian cotton is greatly esteemed in all the consuming markets of Europe, and a large portion of it is used by the spinners of Great Britain. In the year 1860 the cotton trade of the United Kingdom received 85 per cent. of its consumption of cotton from the United States, 8 per cent. from Egypt and other foreign sources, and 7 per cent. from the British East and West Indies. The value of the cotton received from the United States was twenty-five millions of pounds, from other foreign sources three millions, and from British

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territory two millions, making the whole from foreign sources twenty-eight millions, and two of British origin, the whole value of cotton actually worked up being thirty million pounds sterling; the quantity in weight being one thousand millions of pounds. Now the manufactured produce of this cotton, at a fair estimate of value, was nearly eighty million pounds sterling, of which in the United Kingdom alone twenty-five millions formed part of the clothing, comforts, and decorations of the people, whilst for exports there were about fifty-five millions. Hence, after paying for the raw material, nearly fifty million pounds sterling were left as the reward of labour and capital. This industry consequently aptly illustrates the possibility of providing for a surplus and increasing population, and proves how beneficially a people may be retained in their fatherland to enrich their country. In this great trade, two hundred millions of capital, fixed and floating, may possibly be employed; and when we reflect that five millions of human beings, resident amongst us, are dependent for their subsistence upon it, the magnitude of the interests involved will be appreciated. Doubly lamentable is the fact that this country is permitted, in this vast industry, to depend upon chiefly one foreign source of supply for its raw material, and that the production of this material should cause to be held in degradation and slavery at least a million negroes. Happily, the labourers who toil in the cotton trade with us are free as the air they breathe—may their precursors in labour, the cultivators of cotton, also enjoy the liberty of the free! Neither agricultural, mercantile, nor manufacturing virtue has resisted the infliction of slavery in the production of cotton, but now, by a mysterious dispensation and political revulsion, a change is impending fraught with hope for the negro race, though indicative of danger, if not of ruin, to the capitalists and labourers whose avocations are identified with the cotton manufactures of our country, and to whom a supply of the raw material, or a lack of it, is commercially and industrially either life or death. The law of supply and demand has not unfrequently been appealed to on this subject, and no doubt, where no countervening obstacles exist, its operation is true and certain; yet it must not be forgotten that under this law the demand has frequently to be diminished to meet a limited supply, whilst, to prevent loss and suffering in our contemplated difficulties, it is necessary that the supply of cotton should be enlarged adequately for the existing means of consumption, and for that reasonable extension which increasing labour and capital require. With an abundant supply of cotton wool, the labourers and capitalists engaged in this trade may continue to enjoy prosperity, and diffuse almost universal benefit; but if, from political and moral struggles, the straw be withheld from which our bricks have been made, and which indeed have built up an edifice of wealth without a parallel, both will endure unheard-of misery, and must seek asylums in other lands. A remedy already exists whereby the impending evil may be averted, but who shall apply it is a question difficult to solve. Great Britain possesses more land adapted to the growth of cotton than any other

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power. In the Indies, East and West, at Natal and other African settlements, and in Queensland, Australia, we have soils and climates admirably adapted to the production of every class of cotton, and labour in abundance may be procured to till those soils which almost spontaneously would yield more cotton than could be consumed in this country. In the East Indies, where there are two hundred millions of human beings under British rule, the labour of the one-hundredth part of them would supply us, if well directed, with more cotton than we need, and, if rightly cultivated, of a quality as good as we wish; but here means of communication are wanted, and, the tenure of land generally denying individual rights of property, apathy, neglect, and non-production exist in many districts abounding with the means of supply for our wants. Protection to sugar prostrated the energies of the proprietors of the West Indies, but thence cotton in abundance might be obtained. The resources of Australia are unbounded, and supplies of cotton, from the very finest and highest class down to the most useful, could be easily obtained, though an access of labour from China or India would be required to cultivate it. No other foreign possession need now be alluded to.

Whether the peril which now threatens this home industry be worthy the contemplation of the statesman, the capitalist, the philanthropist, or the social investigator, we shall not decide; and we therefore leave to those, whoever they may be, who will offer a helping hand to the cause of industry and of social progress at home and abroad, the appalling consideration of the possibility that a people able and willing to sustain themselves by honest industry, and to augment their country's riches, should be unprovided with a material for labour which might be more largely obtained from their country's possessions than from any other source.

GENERAL AVERAGE.

On the Principles which govern General Average. By LAURENCE R. BAILY, *Liverpool.*

IT will be necessary when the Bill comes before us which is in preparation, and would, but for unavoidable circumstances, have been presented to us at this meeting, to discuss the principles on which general average is based, to enable us to carry out the resolutions passed at our last meeting. It is doubtful whether a discussion should not precede the framing of the Bill, seeing that there is much difference of opinion as to the first principles even which govern the subject. It will, at any rate, assist those who are drawing up the Bill; and with this object I beg to submit the following remarks:—

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The popular notion of general average is that "it is a contribution made by the parties interested in a maritime adventure, towards the loss caused to one of them by an act performed in time of great danger for the preservation of the property of all."

Such a definition is too loose and inaccurate to be of much practical utility, but it shows that there exists a custom of apportioning some such losses in some such a manner.

It would not be of much practical utility to attempt to determine the *date* at which this custom originated. It was a very long time ago, and it has been adhered to ever since. The inference, therefore, is that it is equitable that it should exist.

Although the date at which it originated is of no practical importance, a definition of the principles on which it was founded is essential; for by them the whole system must be governed, and from them only can a correct definition be arrived at.

The leading principles of general average will no doubt appear in the simplest form of general average.

The simplest form of general average is "jettison." Let us therefore examine "jettison."

When goods are jettisoned, a right to contribution at once, and a liability to contribute at once, are not created by the jettison.

The loss caused directly by the jettison is not even made good in all cases. In every case it is necessary to consider, at the *end* of the adventure,—1. What injury* has the owner of the goods jettisoned sustained beyond that which he would have sustained on the termination of the adventure, if his goods had not been jettisoned, and the preservation of the property, from the peril which rendered the jettison necessary had been attained by other means; and 2. What benefit have the other parties interested in the maritime adventure received, on the termination of the adventure, from the jettison.

The answer to the first question gives the amount to be made good in general average.

The answer to the second question gives the amount on which that value is to be apportioned.†

The result is—

When the damage which the owner of the goods jettisoned would have sustained on the termination of the adventure, if his goods had not been jettisoned, and the peril which rendered the jettison necessary had been avoided by other means, would have been a total loss of his

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* The injury done by a general average act is the same thing as the effect of a general average act. It is necessary therefore, in every case of general average, to define what injuries are, and what injuries are not, the effects of the general average act.

The same principles govern effects or consequences under a general average act that govern effects or consequences under any other act.

† In practice, the value of the goods jettisoned is included, in order that the goods jettisoned may not be in a better position than the other property interested; but, on principle, the result should be arrived at by a deduction from the value of the goods jettisoned, and by excluding them from the contributing interests.

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goods or of their value, the owner of the goods jettisoned has no claim to contribution.

When, on the termination of the adventure, the owner of any portion of the remainder of the property has not derived any benefit from the jettison, that owner does not contribute.

A due consideration of these results shows that the basis of general average is that equitable principle *Nemo debet locupletari aliena jactura, i. e.*, The injury done to an individual in order to produce a benefit to the community should, when the community receive the benefit, be made good to the individual by the community.

It follows from this principle that the individual claiming must, in all cases, show that it is equitable that he should recover his claim, and equitable that the parties claimed on should pay it.

Reasoning from what was said above concerning jettison, the simplest form of general average, it appears that "benefit" is *pecuniary* benefit and "injury" is *pecuniary* injury.

Pecuniary benefit or pecuniary injury exist on the termination of the adventure only—for a ship and every portion of the cargo in her are united by bills of lading or charter party, so that a package of goods, and even the ship, has really no absolute independent pecuniary value to the owner but with reference to the termination of the adventure for which they were, by those contracts, united. Whatever facilities there may be, at any place between those at which the adventure commences and that at which it terminates, for selling similar goods or a similar ship, these goods and this ship cannot be sold until that adventure terminates, and therefore have no pecuniary value at those places; consequently the circumstances existing on the termination of the adventure determine the benefit and the injury in question.

The popular notion of a general average act is, that all acts performed for the general good are general average acts, and, as a corollary, that the effects of those acts are made good as general average.

This cannot be supported, for every judicious act of the master and crew is for the general good; and it is clear that *all* those acts are not general average acts.

Which of their acts, then, are general average acts?

The captain and crew are bound to carry their cargo to its destination, unless certain perils prevent it—*i. e.*, make it actually or practically impossible to do so. Their duty to their master, therefore, obliges them to use the ship and her materials, at all seasons, in the service for which they were constructed. To this the owner of the cargo impliedly assents; Consequently—When either the ship, or her freight, or her cargo, is injured in the performance of that duty, the owners of the ship and freight have no claim on the owner of the cargo for the injury the ship and freight sustain, and the owner of the cargo has no claim on the owners of the ship and freight for the injury the cargo sustains, in the performance of that duty,

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although the performance of that duty was for the common benefit of the captain and crew and the property confided to them.

For example,—A heavy gale of wind acting on a vessel, necessarily under canvas, strains the ship, and the sea water, in consequence, enters through the vessel's seams and damages her cargo. The owner of the ship has no claim on the owner of the cargo for the injury the ship sustains; and the owner of the cargo has no claim on the owner of the ship for the injury the cargo sustains by the performance by the captain and crew of their duty to their master—viz., the ordinary navigation of the ship in heavy weather.

There are times, however, in which circumstances compel the captain and crew to perform, for the common benefit of themselves and of the property confided to their care, other acts—such as cutting away the masts of their ship to righten her when she is on her beam ends, or throwing over cargo to lighten her when she is apparently foundering. Such acts are not included in their duty to their master, and are therefore general average acts.

Circumstances *compel* the captain and crew to perform such acts, and therefore no liability, in strictness, attaches to the captain and crew, or to their master, for performing them. The general average, therefore, which results from such acts is not in the nature of a *right* which the owner of the cargo has to a claim on the owner of the ship, or which the owner of the ship has to a claim on the owner of the cargo, for the injury each has sustained. It is rather in the nature of an *equitable* claim, as was shown above, *i. e.*, a claim based on the equitable principle that an injury done to an individual, for the common benefit, *ought* to be made good to the individual by the parties deriving benefit from it.

As the injured party's claim is based on equitable principles only, it is not sufficient for him to show that the general average act has done him an injury; he must show further, not only when the general average act is a jettison, but in all cases, that he would not have sustained injury to the same extent if the general average act had not been performed, and that the whole of the injury which he claims was the unavoidable effect of the general average act—*i. e.*, that it could not have been prevented, arrested, or diminished.

In arriving at the claim on these principles, it is manifest that the loss to avoid which the general average was performed is excluded, or there could not be any general average in any case.

It follows also, from equitable principles, that when the party sustaining the injury is the cause of the danger which renders it necessary to perform the general average act, he cannot claim anything, whatever may be the cause of his being the cause of that danger.

On equitable principles it follows, that the parties benefited, on the termination of the adventure, by a general average act are, as was shown in the case of jettison, the parties who contribute to the general average resulting from that general average act, and that they contribute in proportion to the benefit which each has

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derived from the general average act, on the termination of the adventure.

From this it follows, that—The end in view in every general average act is, when it is practicable, the completion of the adventure—*i. e.*, the arrival of the ship with her cargo at their port of destination.

Hence it follows that the avoidance of imminent danger is not essential as a motive for a general average act. All that is necessary is a practical impossibility of completing the adventure, unless the general average act be performed.

The tests of a general average act are, therefore,—

Was the act outside the duty of the captain and crew, under their master's contract with the representatives of the cargo?

Was it done for the common benefit of the captain and crew, and of the owners of the property committed to their charge?

The tests of a general average are,—

Was the effect of the general average act an injury which would not have been sustained if the cause for the general average act had not arisen?

Was the injury the effect of an act not rendered necessary by the party injured or by his property?

And the definitions of general average acts and of general average are as follow:—

General average acts are those acts of a captain and crew* which are outside their duty to their master, and which circumstances oblige them to perform for the common benefit of themselves and of the property confided to them.

General average is the contribution made by the parties benefited by a general average act towards the injury done by it.

On the ground of practical convenience, the above principles are not carried out in practice on the following points:—

In all questions of damage some limit is set, beyond which the damages are considered too remote to be practically dealt with. The limit for general average is the same as that in other cases of damage. All injury, therefore, which would be excluded from consideration in ordinary questions of damages is excluded from general average.

For similar and other reasons, the captain and crew do not contribute for the benefit they derive from a general average act, either in person or property. Passengers of all kinds, in the same way, do not contribute either for their lives or the property they have on board the ship as passengers, although the injury which the property of the captain, crew, or passengers, receives from a general average act is recoverable in general average to the same extent that other injuries are recoverable.

* Acts of others, under their instructions, are their acts.

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In exceptional cases there may not be, or may scarcely be, any benefit derived from the injury done by a general average act; as for instance, when general average expenses are incurred at a port of refuge, and the property saved by them for a time is afterwards wrecked before reaching its destination. In such cases practical convenience requires that any benefit which results—such as the proceeds of anything saved from the wreck—should be applied in the first instance towards the discharge of the general average expenses incurred at the port of refuge, and that the balance only should be divided amongst the parties otherwise entitled to the proceeds; while any deficiency in the proceeds should be apportioned over the benefits which the general average act was, at the time when it was performed, intended to produce.

To prevent fraud and disputes, and the injustice which the abuse of principle would entail, other practical rules are adopted which are not conformable to the above principles.

Being opposed, or not conformable, to principle, it is expedient that such rules should be as few as practically possible.

In order to test some of the principles detailed above, let us take a common example of general average.

A vessel is accidentally dismasted in a storm, and cannot, in that state, reach her destination. She bears up for a port of refuge at which the damages she has sustained can be repaired. On reaching that port it is necessary to discharge the cargo before the ship can be repaired, and on the completion of the repairs the cargo is re-shipped and the vessel proceeds on her voyage.

Which of these acts are general average acts, and what expenses are and what expenses are not the consequences of the acts which are general average acts—in other words, what expenses are allowable in general average?

It may be argued that not any one of them is a general average act—that it is the duty of the shipowner to repair, at every point in the voyage, any accidental damages his ship may sustain—that this duty obliges him to bear up to repair, and throws on him the expenses of bearing up, discharging, warehouse rent, and reloading; *i.e.*, in other words, that the consequences of bearing up, and all the other expenses attending the bearing up, are parts of the cost of the repairs.

If this is sound, there cannot be any general average in any such cases, a result which, in itself, raises a strong presumption against the correctness of the argument.

Again, if it is sound, the shipowner can add the expenses of discharging the cargo, warehouse rent on it, and re-shipping it, to the cost of the actual repairs of the ship, however small that cost may be, and may abandon his ship to the underwriter as a constructive total loss, when the expenses on the cargo will exceed her value after she is repaired, although the damage that the ship has sustained is insignificant; or he could refuse to carry on his cargo to its destination,

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under the same circumstances, on the ground that his contract for the carriage is dissolved by those circumstances. The supporters of the view under consideration will hardly go so far as this, and yet, if they cannot, their argument is not sound.

From what is said, it appears then that the expenses of bearing up for the port of refuge, and discharging the cargo, warehouse rent on it, and re-shipping it, are not incurred in the performance of any duty that lies on the shipowner to repair the ship at whatever place she may sustain injury in the course of her voyage.

It may be argued also, that it is not the duty of the shipowner to repair such injuries at any point in the voyage but the port of destination, and therefore the cost of the repairs even, in such a case, is recoverable in general average—subject only to a deduction, on equitable grounds, for the improvement which those repairs are to the ship.

This argument also is not sound.

The damage which the ship had sustained before she bore up cannot be a consequence of the bearing up, it is clear. Nor is the extra cost, even, of repairing the ship at a port of refuge instead of at her own port. That extra expense is the direct consequence of repairing at the port of refuge, it is true; and being at the port of refuge is the direct consequence of bearing up for that port; and bearing up for that port is a general average act, for it is not a duty of the owner under his contract with the cargo, but is done to enable the ship and cargo to reach their destination: but repairing at the port of refuge is not the consequence of bearing up, but of the owner's duty to repair whilst there, or of his servant's act in repairing, a duty or an act which is not the consequence of bearing up, but is independent of it, in the same same way that profit on goods sold on their arrival at a market is not the consequence of their reaching the market at that time, but of the sale of them whilst high prices are ranging.

Bearing up for the port of refuge is, as was shown above, a general average act. The consequences of it are therefore allowable in general average.

The inward port-dues are evidently consequences.

So also are the port charges on leaving the port, for the ship bears up to touch only at the port—*i. e.*, to stay for a time only—which necessarily involves coming out of the port again. To exclude the outward port charges from the consequences of bearing up would be to convert the motive from a temporary into a permanent stay.

Discharging the cargo is not a consequence of bearing up, but, like bearing up, an independent general average act; and in the same way that the outward port charges are consequences of the bearing up or putting into the port, warehouse rent on the cargo and reshipping it are consequences of discharging it, and are also allowable in general average.

On the same principle that the cost of repairing the ship is not a consequence of bearing up, the expenditure in wages and provision

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for the crew whilst the vessel is bearing up, repairing, &c., is not a consequence of bearing up, but of the shipowner's contracts with his crew. It is a circumstance which must attend bearing up, but is not a consequence of it.

On the same principles, the wear and tear of the ship or cargo, or the accidental injuries they may receive during the same period, are not consequences of the bearing up.

As a further test of the above principles, let us take a case similar to the last, with this difference only, that—Before the vessel reaches the port of refuge, some hemp in a damaged state and some saltpetre and copper are jettisoned. At the port of refuge the remainder of the hemp, which is in a state similar to that of the hemp jettisoned, is necessarily sold, and after the vessel, with the remainder of the cargo, leaves the port of refuge, a further jettison of sugar and copper is made in a storm, and subsequently the vessel is wrecked and the remainder of the copper is saved, but the rest of the cargo—*i. e.*, the sugar—and the ship are totally lost.

What allowances should be made in general average for the goods jettisoned? What property should contribute to make good those allowances; and on what values should that property contribute?

It may be contended that, as between the hemp and the property which reaches the port of refuge, the general average up to the completion of the discharge of the hemp at the port of refuge should be adjusted at the port of refuge, because the adventure, as regards the hemp, terminates there and then, and therefore the hemp should not be affected either for good or for evil by any subsequent accidents.

There is no reason why the termination of the adventure, as regards the hemp *sold*, by the *sale* of it at the port of refuge, should have a different effect on the remainder of the property to that which the termination of the adventure as regards the hemp *jettisoned* by the *jettison* of it, would have had on the remainder of the property if there had not been a sale of any hemp at the port of refuge.

When goods are jettisoned in an ordinary case, the value allowed for them in general average, and the value of the property which contributes to that general average, depend on subsequent events,—why should they not depend on subsequent events in this case? The sale of the hemp at the port of refuge determines the value to be allowed in general average for the hemp jettisoned, and the contributing value of the hemp sold; but it cannot give to the ship, sugar, and copper contributing values which they would not have had if the hemp had not been sold, nor can it give to the owner of the sugar or of the copper jettisoned a claim which he would not have had if the hemp had not been sold.

There is no reason why the case should not be governed by the principles laid down above—viz., "The value to be allowed in general average for goods jettisoned is determined by the value which the goods jettisoned would have had on the termination of the adventure, if they had not been jettisoned, and the loss to avoid which

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they were jettisoned had been avoided by other means"—and "The contributing values are the actual values of the property on the termination of the adventure."

Applying these principles to the case before us, we arrive at the following results:—

1. As regards the property jettisoned.

The hemp jettisoned must be allowed for in general average at the price at which the remainder of the hemp was sold at the port of refuge, less a percentage equal to that which the hemp sold pays for general average, and the hemp sold and the copper saved must pay that value, the hemp sold on its proceeds, and the copper saved on its value arrived at as under.

As, however, the adventure as regards the hemp did terminate at the port of refuge, the hemp must not contribute to any expenses incurred after it is discharged at the port of refuge, or to the subsequent jettisons.

The sugar jettisoned must not be allowed at all, nor must the sugar contribute to any general average.

The copper jettisoned must be allowed for in proportion to the proceeds of the copper saved, less a percentage equal to that which falls on the copper saved, to make good the second jettison of copper; and the copper saved must pay the whole of the value allowed for the copper jettisoned on the second jettison of copper.

2. As regards the general average *expenses* at the port of refuge.

The general average expenses at the port of refuge, up to the completion of the discharge of the hemp at that port, must be made good by all the property saved and allowed for in general average; by the portion saved and sold in proportion to its proceeds less all charges, and by the portion jettisoned in proportion to the net sum allowed for it in general average.

The general average expenses incurred at the port of refuge after the hemp is discharged must be apportioned over the same values, excluding the hemp saved and allowed for as jettisoned.

When the general average expenses at the port of refuge are greater than the sum of the values contributing to the general average expenses incurred before the hemp is discharged at the port of refuge, the balance between the amount of general average expenses and the sum of those contributing interests should be apportioned according to the practical rule mentioned above. The same with the general average expenses incurred after the hemp is discharged.

When the adventure on the hemp terminates before that on the remainder of the cargo, not because the hemp is damaged but because the ship is loaded with cargo for more ports than one, of which the port of destination of the hemp is the first, there is no real difference between this case and the last, and the values of the property jettisoned, and the contributing values of the ship and of the remainder of the cargo, must be ascertained in the same manner as in the last case. However complicated the case may be, it is

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governed by this simple rule—Nothing has any contributing value unless the owner of it receives something for it; and the owner of goods jettisoned does not sustain any injury by the jettison unless he would have received something for them, if they had not been jettisoned, and the danger, to avoid which they were jettisoned, had been avoided in some other manner.

Intermediate Expenses. *By* Richard Lowndes.

Amongst the questions of general average debated last year at Glasgow, there was one as to which there appeared to be almost an unanimity of opinion. The great majority in numbers (it would be invidious to speak of the comparative personal weight) of those who voted pronounced a condemnation upon the established English practice with regard to what are called "intermediate expenses," *i. e.*, the expenses incidental to the putting into an intermediate port in distress.

In this country, and in no other, a distinction is made between the expenses of entering the port and landing the cargo, on the one hand; and on the other, those of reloading the cargo and quitting the port in order to continue the voyage. The former are treated as general average; the latter are not. In the opinion of the Glasgow conference, all alike ought to be treated as general average.

Whether this opinion be right or wrong, the writer is convinced that there are arguments in support of the English practice, which are not so slight but that they deserve to be weighed carefully and fully answered before it is resolved to abandon that practice on the ground of its being erroneous.

It may possibly be expedient, even if our practice be theoretically right, to give it up, for the sake of conformity with the customs of other nations. But, if this be the ground on which it is to be renounced, it ought to be distinctly understood that we are making a concession, not reforming an abuse; and this in order that we may have our fair merit for the concession, and use it as a reason for demanding corresponding concessions on the part of other countries. So that, even if we are prepared to concede this point, it still is necessary to inquire whether our practice is in itself right or wrong.

That we stand alone in this practice—that it is not more ancient than probably some sixty or seventy years—that it has never been adopted in even that system of law, the American, which is confessedly a development from our own—these are no doubt reasons, so far as they go, for inferring or at least suspecting that we must be wrong. It must be admitted also that our practice has the disadvantage of being assailable by short, plain, and telling objections, while it can only be defended by arguments which are somewhat abstruse, and involve a longer chain of reasoning. This fact, it must be owned, fairly leads to an inference unfavourable to the English

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view. However, the question is not to be determined upon mere matters of inference. The whole subject of general average is abstruse and full of difficulties: and on such a subject a course of argument may not be popular, nor obvious at a glance, and yet may be perfectly sound.

The argument in support of our practice may be briefly summed up as follows—

1. The act of bearing up for an intermediate port to repair damages has a twofold motive: the immediate motive is to escape a danger, the ultimate motive is to render the ship fit to prosecute her voyage. 2. In so far as the act is governed by the former motive, it is an act of general average; in so far as by the latter, it is not such an act. 3. The former of these two motives is completely attained so soon as the ship and goods reach a safe place. 4. Consequently, no expenses subsequent to this period should belong to general average.

The several stages in this argument must be examined in detail.

First, the act of bearing up must have a twofold motive; the immediate motive, to escape a danger, and the ultimate motive, to render the ship fit to complete the adventure.

This proposition scarcely requires much proof. There must always be a danger. This is necessary, in order to justify the departure from the direct course to seek a port of refuge. Although it may be impossible to define the degree of danger, it must at any rate be such, that it would decidedly be imprudent for the master to continue his course; otherwise it would be his duty to do so.

A ship is in a state of danger, not only when she is leaky to a certain degree, but also when she is innavigable, as for instance when she has lost a mast, or is so crippled as to her sails that in the event of a storm coming on, or of her being on a lee shore, she will not be fit to weather the gale or to clear the coast. In this sense, she is in a state of danger when she is in such a state as that her voyage will be materially retarded.

This motive, then, of avoiding a danger must exist in every case to which the argument can be applicable.

The second motive, that of rendering the ship fit to complete the adventure, must also exist in every case to which the argument is applicable. It does not exist, indeed, in every case in which a ship seeks an intermediate port; for this may be done when it is known that the ship cannot be repaired at that port, but must be condemned there. This motive exists imperfectly in another class of cases—namely, when at the time of bearing up it is uncertain or unknown whether the ship can or cannot be repaired at the intermediate port. But, if the ship cannot be repaired, no question of outward port charges or reloading can arise. In these cases it is admitted that the general average terminates at the intermediate port. It is only when the ship can be, and is, repaired so as to prosecute her adventure with her cargo that the question now under consideration arises.

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The existence of this twofold motive, then, in every case with which we now have to deal may be taken as established.

Secondly—In so far as the act of bearing up is governed by the former of these motives, the avoiding of danger, it is a general average act; but in so far as it is governed by the latter, the making the ship fit to prosecute her voyage, it is not a general average act.

The only portion of this proposition as to which there is a difference of opinion is the latter or negative portion. It is admitted on all sides that an act done for the preservation of the ship and entire cargo from the danger of total destruction is, irrespectively of the remote cause which has brought the ship into the state of danger, a general average act. It is unnecessary, therefore, to offer any argument on this head.

With the negative proposition above laid down, that an act simply governed by the motive of making the ship fit to prosecute her voyage is not, as such, a general average act, the case is very different. We here come to the very point of divergence between the opposing theories. At this point, therefore, it becomes necessary to go more deeply into the abstract principles on which the right to general average contribution depends.

Before entering upon the abstract question, however, let us, in order to bring the matter to a test, take a simple case, in which this motive, "the completing of the adventure," shall be in fact the sole motive for an act. Suppose, for example, that when a ship is completely loaded and ready for sea, she is boarded by pirates who take out the cargo and carry it on shore. The cargo is afterwards rescued from them. The master then causes it to be reloaded on board his ship.

In such a case, can it be contended that the act of reloading the cargo is a general average act, and should the expense be made good by contribution? Apparently not. The cargo and the ship were both in perfect safety. The reloading of the cargo cannot be said to have rescued the cargo from destruction. The freight, however, could not have been earned unless this step were taken; and it seems reasonable, therefore, that the expense involved in it should be treated as a charge on the freight.

Now, if this be so, it follows that an act done for the sake of completing the adventure is not, as such, necessarily, a general average act; for, in the case supposed, the cargo was reshipped simply for the sake of completing the adventure.

The reason why this motive, to complete the adventure, is not, simply in itself, sufficient to constitute a general average act, is to be found in the well-known maxim, that a general average must be something which is not included in the covenanted duties of the shipowner, as a carrier, towards the goods he carries.

By the term "covenanted duties" must be understood those duties which are expressly or impliedly undertaken by the carrier in the

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contract of affreightment. These have been purchased, and are due to the cargo without additional recompense.

The chief difficulty which is found in arguing out questions of general average arises from the undefined or ill understood extent of these covenanted duties.

On the one hand, it may be laid down that these duties are not merely fair weather duties. Storms or damage do not suspend or interrupt them. Not less, but rather more, is due from the carrier in times of danger than in ordinary seasons. The words in the bill of lading, "accidents of navigation excepted," only mean that the undertaking to deliver the cargo at its destination is conditional on the practicability of doing so.

On the other hand, the covenanted duties of the carrier are not to be pushed to such an extreme as to do away with general average altogether. This is on the ground, not of justice, but simply of expediency. Looking to strict justice only, it might reasonably be argued that, as the carrier is bound to deliver unless the accidents of navigation prevent him, and as those accidents do not prevent him unless he has first done everything in his power to neutralize their effects, no step that he can take, even though it involve a sacrifice of property on his part, can be more than his bounden duty. There would be no actual injustice, therefore, in holding that he should be entitled to no compensation beyond his freight for such sacrifices. But such a doctrine would not work well in practice. The master's duty would be too violently opposed to his interest. Valuable cargoes would be destroyed, because the master would postpone to the last moment any measures which would involve injury to the ship or expense to the owner. Jettisons of cargo would become more frequent; the cutting away of masts or putting into port would be rarer. Granting that the care of life would act as a safeguard to some extent, this would be insufficient. The master's thoughts would be distracted, in moments of emergency, by the painful task of weighing his comparative duties to the ship and to the cargo. There would be constant complaint and suspicion of partiality. On the whole, the risk to life and property at sea would be materially enhanced were the rule of general contribution to be abolished.

All these reasons, however, only apply to occasions of imminent unforeseen danger, and the measures taken to escape from that danger. The deflexion from strict right, therefore, ought not to be carried further than the motive to which it owes its origin. Where danger is not, there ought not to be, and in theory there is not, any such thing as a general average.

Now, to apply this principle to the case in hand, it is an admitted rule that the duty of keeping the ship in a state of seaworthiness, including the restoring her to such a state if by accident she has been deprived of it, falls within the covenanted duties of the ship-owner. It cannot be maintained that even the going out of the direct course of the voyage, if necessary to this end, is anything

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more than his duty. Granting that it is his duty not to deviate from his course, yet this is no deviation: for his direct course is that which, with reference to all the circumstances of that particular voyage, will bring the ship safest and soonest to her place of destination.

Hence, it appears that the motive of completing the adventure, considered apart from any motive of danger, is not of itself adequate to produce a general average act. It may be admitted that the object in view is the common good of ship and cargo; that is not enough. The object still is no more than the carrying out of the owner's stipulated duty.—This must suffice, though the writer is conscious that it is a very imperfect statement of the argument, for the second of the propositions laid down at the outset—viz., that in so far as the act of bearing up for a port is governed by the motive of avoiding danger, it is a general average act; but in so far as it is governed by the motive of completing the adventure, it is not a general average act.

Thirdly, the former of these two motives is completely satisfied so soon as the ship and goods reach a safe place.

This is self-evident. So far as mere physical safety is concerned, that is attained for the ship so soon as she has reached a secure harbour of refuge; and for the cargo either at the same time or so soon as it has been placed on shore, according to circumstances. Our practice is, whenever the cargo has to be discharged, to extend the general average act so as to include the cost of landing and storing the cargo. This, in the case of a ship so leaky as that the goods are not safe on shipboard, is correct in principle. In other cases it is perhaps only justifiable by the practical convenience of having one uniform rule to work by; since, if the goods were perfectly safe on shipboard, some other principle than that here laid down would have to be sought for, in order to justify the allowance in general average of the cost of landing them.

Finally, from the principles above laid down, it follows that the act of bearing up for a port of refuge cannot have the effect of bringing into general average any expenses which are the result of measures taken subsequently to the reaching a place of safety; such as, for example, the expenses of resuming the voyage after the ship has been repaired. For, the sole ground on which the act itself is treated as an act of general average is, as we have seen, a motive which has been completely satisfied before the period at which these subsequent measures are resolved upon.

It must not be contended that the going in and the coming out, the discharging and the reloading, are all portions of one single entire act; for if it were so, the motive of that single act must have been something ulterior to the general average motive; and this ulterior motive is not, as has been shown, such a motive as can give rise to a general average act; and, consequently, if the entire expenses are

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to be regarded as the result of one single act, no portion of them properly belong to general average. It is only by subdividing the act under two distinct motives that we are enabled to bring into general average any portion of the expenses.

This last proposition in reality closes and completes the argument in defence of the existing English practice.

To prevent misconception, however, it may be well to notice one objection to our practice, which, at first sight, appears to have considerable weight.

Admitting, it may be said, that the English practice is defensible whenever the damage, to repair which the ship seeks the port of refuge, is the result of accident, yet, when the cause of that damage was itself a general average act—for example, when a ship's masts have been cut away for the general safety, and she then goes into port to replace them,—ought not all the expenses incidental to such going into port to be admitted into general average?

To this it must be answered, that it is a fundamental principle in the law of general average that the character of every act—the criterion for determining whether it be a general average act or not—is to be found in the motive which immediately determines it, not in the antecedent circumstances which have remotely induced this motive. It is only on this principle that the act of bearing up is treated as a general average act when the remote occasion was an accident, and this principle must equally be carried out when the remote occasion was a sacrifice. There ought, therefore, to be no distinction, as regards the act of bearing up, between the two cases. This act stands on its own basis. The only question is, as to how far the compensation for cutting away the masts is to be carried.

Now a complete compensation for such a sacrifice is in no case given. Complete compensation would be, not only the value of the masts, but also the value of the ship's time while detained in replacing the masts. This latter is never given when the masts are replaced at the port of destination. Why, then, should it be given when the masts are replaced at an intermediate port?

The expenses now under consideration—the crew's wages, and the port charges to be incurred in order to prosecute the voyage,—appear to come under the head of demurrage, and ought to be treated in the same way as the detention of the ship.

Such, then, is one line of argument by which our English practice, with regard to intermediate expenses, may be supported. The argument may not be incontrovertible. Deeper and more comprehensive views as to the true nature of general average possibly may eventually lead us to the conclusion that it is not sound. But, at any rate, to conclude as I began, this is a chain of argument which appears to deserve some consideration, and ought to receive a distinct refutation before we are called upon to abandon our practice on the ground of its being erroneous.

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BELLIGERENT RIGHTS AT SEA.

Should the Private Property of Citizens of a Belligerent State be Protected from Capture at Sea? By JOHN O'HAGAN.

IT is fresh in the memory of all of us how, at the close of the Crimean war, the assembled representatives of the European Powers formally agreed to certain principles to regulate from that time forth their conflicts on the seas. Every one of the regulations so enacted was felt to be a conquest for humanity, an improvement for ever in the relations of civilized men. Of the four laws then promulgated, three dealt with the rights of neutrals. One alone, the abolition of privateering, restricted the rights of the belligerents themselves. When at the close of a strife, surpassed in feats of arms by no previous page of history, and in which it would be hard to say whether victors or vanquished had shown the nobler courage and endurance, the European Powers had thus, to their great honour, resolved to signalize the advent of peace by resolutions which would make all future wars less harassing and cruel; they went with this code in hand, and presented it for the acceptance of the greatest of the non-European powers—the United States of America. We remember the remarkable answer of that Government through their Minister. It was in substance this:—"To the declarations of the rights of neutrals we cordially subscribe, and they are no more than the United States, both by their jurists and their Government, have always asserted to be the genuine laws of maritime warfare; but to the abolition of privateering we cannot agree, and for this reason:—Our regular navy is weak, utterly unable as yet to compete with the navies of the Old World; but, on the other hand, we have a large mercantile navy. Now, if we have our hands tied up from issuing letters of marque to our merchantmen, the simple result will be, that in the event of a war between America and England or France, our commerce would be pursued, captured, and confiscated on all the waters of the globe by the commissioned cruisers of our enemies, while, on the other hand, our power of retaliation would be annulled. We should thus be hamstrung in carrying on naval warfare. We cannot, therefore, assent to the law as proposed. But," he went on to say, "we regard this resolution proposed for our acceptance as really part and parcel of a much more simple and comprehensive principle—the principle that private property at sea should in all cases be safe from capture, with, of course, the exception of contraband of war. Let that rule be laid down, and we adopt it with all our hearts. Let it be declared by the assembled Powers that the goods of private citizens shall be henceforth secure in war at sea as they are in war on land, and we will be among the foremost to embrace it. But we cannot accept a

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mere fragment of that principle which, so limited, would only work us mischief."

To many persons this answer wore all the appearance of an exceedingly skilful and adroit evasion, a sample of the sort of tactics employed by a person to whom an offer reasonable and generous in itself is made, but who, having a motive to refuse it, contrives to turn the tables by pushing his adversary's principles to an inadmissible extreme.

Others, however, regarded this proposal of the United States in a very different light. It was, in their judgment, the announcement of one of those great innovations which, after long years and the dust of reiterated controversy, are destined at length to succeed, and to form a perpetual landmark in the progress of mankind. I cannot forbear to state my own conviction that to this beneficent modification of the rights of warfare we shall come at length.

But we can only approach to a proper consideration of this question, by not overlooking in any degree the strength of the opposite position. Those who upon this point are conservative, say, and say with justice, that it is easy to indulge in philanthropic commonplaces—easy to expatiate upon the spectacle of commerce pursuing its peaceful path upon the waters, unharmed amid the thunders of hostile armaments—easy enough to show that the immunity of the property of private citizens would be an unquestionable relief to those citizens, but that all this is only the first step in the question. You must, they say, go farther, and show that this admitted good can be obtained without unduly fettering the means to accomplish that end for which war is begun, and by which alone it can be justified. If the ultimate end of war be peace, as every nation that draws the sword is eager to assert, its immediate end is mischief and deadly mischief. Violence is of its essence. Its continued existence is one of the greatest of the mysteries by which our whole social being is enwrapped. As yet no man has seen a practicable path, or the opening of a path to its extinction. It remains, in the words of Burke, "the sole means of justice among nations." "Nothing," he adds, "can banish it from the world: they who say otherwise intending to impose on others, do not impose upon themselves." And however we may nurse the vision of a time in which the misunderstandings of nations will find a pacific solution in the bosom of a confederacy of the representatives of the human race "lapped in universal law;" yet we have too much reason to fear that such universal law can only be looked for in the advent of something incomparably more dreadful than war—an universal empire—a curse with which we fervently hope it is never more in the designs of Providence to afflict mankind. War, then, remains, with its terrible and inseparable incidents, the scientific destruction of human life, and the prodigious waste of the substance of nations. If this be so, if these tremendous realities are not only to continue, but to be for ever welcome in preference to the alternative of national insecurity or dishonour, it follows clearly that, war once come, that mode of waging war is best which best serves the end of

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war, that is, which deals the speediest and the heaviest blow to your adversary. To this issue the question is reduced. Is the right of capturing private vessels a substantial and efficacious instrument in bringing the enemy to terms? If so, then reason demands that it should be preserved, whatever the impulses of humanity may suggest. But if, on the other hand, we believe that the effect of thus making prey of the enemy's merchandise is, in the great scale of war, insignificant, that, by water as by land, success or defeat must spring from the engagements of the duly organized and commissioned forces of the belligerents, and not from outlying depredations, then we are fully at liberty to obey the promptings of humanity—to say that the sum of advantage to be gained does not compensate for the suffering inflicted, and to call upon the nations of the world to add this link the more to the bright series of mitigations by which the intelligence of civilized men has assuaged the horrors of warfare.

Now, taking the issue in that way, undoubtedly the question stands in a very different position since the declaration of the Congress of Paris—in a position much more favourable for those who advocate the immunity of private property—and that for two reasons. First, the admission to a large extent of the principle contended for. Secondly, and chiefly, because the abolition of privateering, and the declaration that enemy's goods shall be safe under a neutral flag, and that blockades must be effective, amount to such substantial limitations of the power of annoying the enemy by striking at his commerce, that to whatever extent such power could have been at any time an effective instrument for the great ends of war, it is now much less so.

The principle that free bottoms shall make free goods, and the principle that a blockade must be a real closing of the port, not mere ink and paper, were at all times strongly contended for by some nations, and by one school of jurists. They were, in fact, the principles which led to the formation in 1780 of the great confederacy of the Northern Powers, who termed themselves the Armed Neutrality. But, although asserted, they were never conceded. By England especially they were uniformly denied; and in the course of the last great French war, not only was there declared a mutual blockade of the whole British islands on the one hand, and the sea-board of nearly the entire continent of Europe on the other, but the pages of the reports of the English Courts Maritime are filled with cases of goods condemned as prize which had been seized on board of neutral ships stopped upon the high seas, and searched for that purpose. In the eloquent judgments of Lord Stowell, we find the repeated and most distinct assertion of the right of a belligerent power to make prize of the goods of its enemies wheresoever it may find them; and certainly, in point of reason, if your enemy's property at sea be your lawful prey, it would seem to make little difference within what planks or beneath what bunting it may happen to swim. But now the enemy's trade has been made perfectly secure, if it be only carried on through the medium of neutral

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vessels. A neutral ship is to be perfectly free to land at an enemy's port (unless sealed by an effective blockade,) and to carry on enemy's commerce for enemy's benefit. It is manifest that the weaker naval power will henceforth endeavour to have its commerce left uninjured by using neutrals as carriers.

Again, if the plunder of private property is to continue to be the law of nations, it seems to me that the aptest instrument for carrying it on was the privateer. It was, no doubt, a detestable trade—an odious mixture of the gambler and the pirate. Still, for the ignoble task of tracking, hunting down, and seizing some defenceless brig or schooner, the privateer, nerved by selfish desire, and undisturbed by any higher aim, was, I say, more likely to be effective than the regular cruisers of the State with whom such employment is only casual, to whom it must be contemptible, and who of course are always liable to be called away to some more honourable duty.

Now, even when the old laws of maritime warfare were in force, I might ask to be pointed out a single instance in history in which the suffering arising from interruption to commerce was the really determining motive of peace. Wars are gigantic trials of strength between nations. The collective force of the one meets the collective force of the other, and after contests, short or long, one is found the weaker and succumbs, or both are exhausted, and it is upon the whole something of a drawn battle. But when nations thus wrestle, it is the *fall* that tells, not the scratches and pinches of the fight. If ever this was strikingly exemplified, it was in the great war to which I before referred. The English Government asserted, as I said, the extreme of belligerent rights against commerce, which led of course to their being equally exercised on the other side. Napoleon, on the one hand, by the Berlin and Milan decrees, and the British Government, on the other, by their orders in council, waged against each other's commerce a war of positive extermination; and Napoleon, as is well known, was convinced that his command for the exclusion of English manufactures from the Continent would ultimately force a people so mercantile to peace. Yet, on the one side and on the other, these measures provoked exasperation and retaliation, but if anything had effects directly contrary to peace. It never occurred to the English people to give up the war by reason of the decrees against their trade; and, on the other hand, although the victory of Trafalgar was said to have swept French commerce from the seas, Napoleon remained what Austerlitz had made him—lord of Europe—until he was overthrown by the outraged sentiment of Europe. And was the last war in any degree brought to a close by Russian merchantmen being dragged into French or English ports? It was finished by no attacks on trade, but by the capture of the Malakhoff.

What advantages then, it may be asked, has a great maritime power if it is to be restrained from beating down the enemy's commerce? Enormous advantages both for offence and defence. Is it nothing to have its own coasts secure while it is free to assail others? Consider

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the power of transporting troops to any quarter of the globe at will, fresh and unharassed by a march. Consider the practical dominion over the islands of the deep which maritime supremacy confers, and the State which possesses it may well be content to forego such petty prey as cargoes of hides and corn.

As to the argument that the danger to their property indisposes mercantile men to war, and so leads to the continuance of peace, I must frankly say I disregard it. If a just cause of war has arisen,—then it is an evil and not a good that men should be over pacific in their dispositions. But apart from all that, how can we countenance the principle that war is to be made uselessly cruel in order that men may have the greater fear of it? See where that would lead us. Back, step by step, to all the barbarities from which mediæval chivalry and modern wisdom have combined to release us; back to the slaughter of prisoners; back to the capture of private citizens and the subjection of them and their families to slavery. No!—after all possible alleviations, war will still remain awful enough for all the sober apprehensions of reasonable men.

In all this, of course I exclude contraband of war. Those who carry weapons and munitions of war to troops engaged in fighting are themselves engaged in fighting. Mr. Smith, of Liverpool, and Monsieur Planchet, of Bordeaux, exchanging wine and cotton, are in a very different position from the same gentlemen shipping cannon and gunpowder for the use of their respective armies and navies.

Neither do I think the right of blockade as now settled should be interfered with. It is clear that a blockade is not an assault on commerce merely; it may be a means of effective aggression upon the enemy's territory, and is often used in combination with the operations of land forces. I do not know how belligerent nations can be expected to deprive themselves of such an arm.

But as to the main proposition, that private property upon the high seas should be secure, it will, I am convinced, be one day decreed by the great Powers of the world. The civilized intelligence of man has taught him that war as a duty is to be carried on like all duties, in no vindictive or cruel spirit; that every injury to his enemy not commanded by the great end in view, is a crime; and that if his blow be strong he should in all beside be gentle, in the spirit of the old French adage—

> "Bon chevalier, n'en doutez pas
> Doit frapper haut et parler bas."

MISCELLANEOUS.

The Australian Gold Discovery, and its Effects upon Australia. *By* W. Westgarth.

The discovery of the gold fields is undoubtedly the great event in the history of our Australian colonies. That event has raised them,

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as by a sudden leap, to the first position in the commerce of our country. The passing features and incidents of such great changes are worthy of attention. The successive discoveries of Ballarat, Mount Alexander, and Bendigo, towards the end of 1851 and beginning of 1852, occasioned the wildest excitement in Victoria, and caused all classes of the people, by every obtainable mode of conveyance, to move off to the gold field, while multitudes poured into the country, at first from the adjacent colonies, afterwards from Europe, from America, and at a later time from China. The streets of Melbourne, which just prior to the time of the gold discovery was a thriving young township of 25,000 souls, were soon as crowded as the greatest London thoroughfares, only with a still more varied nationality: while house and hotel accommodation became so scarce that rents rose within two years to ten times their former rates. Mr. Hargreaves, a practical miner, who, after a visit to California had, from the auriferous indications common to that country and New South Wales, been led to the first effective discovery of the Australian gold fields, happened to arrive at Melbourne during the year following this discovery, and in the midst of the uproar of prosperity in which his simple intimation had resulted. He wandered half the night, such was his own statement, in the vain search for a bed, and was only at last received, by a compassionate Irishman, into a little public-house. But in mentioning Mr. Hargreaves, I must not countenance the prejudice of the gold-digger that he owes nothing to science. Science has, in this great event, been deprived of the foreground that was her due, and Australia of some years of earlier access to her own vast resources, only through the neglect, by practical men, of those anticipations which were made by men of science. The gold was discovered so early as 1839, by Count Strzelecki, although the discovery was not published. The precious metal was shortly after detected by the Rev. W. B. Clarke, of Sydney. But the most remarkable intimation on the subject came in 1844, from Sir R. I. Murchison, at the antipodes, and as the result of a comparison of the rocks of the Russian Ural and the Australian Alps, independently made, and without knowledge of his predecessor's observations.

Memorable as it was, we cannot pause long over the waste, riot, and eccentricity, of the first years. A jolly digger would light his pipe with a bank note, a hungry one pretend to relish the same commodity when spread over bread-and-butter. Riches flowing into such unwonted hands sadly puzzled their new owners for a mode of disposal; and a brief perplexity was too often ended by the adjournment of the digger and his nuggets to the public-house. There is, however, one pleasant retrospect connected with the fact that the Government, for a time, prohibited the sale of all intoxicating drinks upon the gold fields. Although the "public-house interest," a very powerful one in the colony, eventually, in this question, gained the day against the Government, yet for a period of two years, and during what was in other respects the most critical and disorderly period of the gold digging, this salutary prohibition was maintained, to the

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great and visible benefit of a miscellaneous and homeless crowd of population. There was, of course, "sly grog selling," as it is termed, upon an extensive scale, but the restrictions upon the traffic were always sufficient at least to keep the community free from drunkenness; and this vice was consequently confined, for the time, to the towns and highways, where it flourished with all imaginable vigour.

At the same time the gold fields, the towns, and the highways, were infested with bands of atrocious criminals, who throve and multiplied with the opportunities given them by negligent and drunken diggers. These offenders, who were mostly the transported convicts of the mother country, either free by servitude or escaped from bondage, were supplied from the adjacent penal colony of Van Diemen's Land, whence, as from an exhaustless fountain, they flowed over Bass's Strait into golden Victoria. There they long defied the raw levies of local police, whose undisciplined members either were constantly quitting the service for other more attractive employment, or became demoralized by the bribes freely tendered by the criminals and their comrades.

There was one striking feature of the first effects of the gold—a fall in the value of property. In the general rush to the mines, Melbourne and Geelong, the two chief towns, were deserted to an extent that almost suspended all business, and left hundreds of unoccupied tenements, that were offered for sale or hire at very reduced rates; and many kilns of bricks that were sold off by their impatient owners at 10*s.* per thousand, or half the usual price, were resold next year at £10 per thousand. The course of the exchange was also a remarkable incident, and surprising to many, although readily to be inferred from the circumstances. The gold was merchandise, not money, and its great quantity, suddenly poured into a narrow market, soon caused a strain upon the exchange with the demands made for advances of money from the banks and the merchants, until the proceeds of the sale of the gold were returned either in money or some other consideration from England to the colony. As these advances were mostly returned as deposits to the banks, these institutions felt themselves enabled to some extent to meet the heavy demands of one class of customers by the aid of another class. But they raised the exchange on London to their customers to no less than 10 per cent.; that is to say, they gave but £90 in Melbourne for a draft of £100 due in London; and that even this rate did not equal the extremities of the case was shown by the fact that for some time after the precise value of the gold was quite generally known in the colony, an ounce of it would sell for only £3, while the intrinsic value at the London Mint was £4.

In an appendix of four tables I have endeavoured, by a selection of the most prominent statistical data, to show the course of what may be called the gold crisis in the Australian colonies.

New South Wales, with its capital, Sydney, situated on a noble and commodious harbour, maintained for some time the supremacy which it formerly held, attracting by the superior resources of its

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market much of the gold from Victoria, and acting as a chief depôt of supply for the expanding commerce of the group. This supremacy in commercial position has since passed to Melbourne, but not before the former colony had secured for Sydney the establishment of a branch of the Royal Mint, an institution which the gold discoveries had rendered desirable for Australia. The commerce of South Australia, Tasmania, and New Zealand, was greatly extended by the heavy and constant demands for agricultural produce from the masses of the mining population of Victoria. I have added West Australia for the sake of completeness, although that remote settlement has had only a slight and precarious intercourse with the eastern group.

From the huge figures prevailing up to 1854 inclusive, the signs of an immense scale of commerce, there is indeed a succeeding reaction. This might well be expected. It is only the old experience confirmed by one more illustration. Everything ran into extremes. There was overshipment of goods, overvaluation of all property, as it passed from purchaser to purchaser at constant accessions of price; and overtrading and general extravagance everywhere. Tables II. and IV. show the reaction in commerce generally, and in the prices of various colonial productions, to be very considerable; such indeed as would have been regarded as indicating very general difficulty and distress in any long established society, or in anything less elastic than a young Australian colony. This reactionary effect has scarcely even yet subsided. It has spread a dulness over the picture, by withholding that enlivening feature of yearly progress which seems the necessary condition of a satisfactory colonial existence. While old societies and governments feel honoured in their history or traditions, a colony excluded from these dignified themes is occupied with its prominent feature of progress. Its imports, its exports, its revenue, its population, are all yearly on the increase. Such was the case with Australia up to its golden era, and one of the striking features of the tables of the Appendix consists in the irregularities introduced into Victorian affairs since that time. The adjacent colonies, as they were precipitated forward less violently, so also had less of a reactionary course, and they may be said to have resumed that comparatively quiet and regular progress which is the usual feature of a prosperous colonial society.

The most important result of the third table is, that Australia after less than ten years of gold digging has supplied to the world no less than £111,640,000 worth of gold. Although the quantity produced by Victoria seems steadily decreasing for some years past, namely, from about £12,000,000 yearly in 1856 to less than £9,000,000 in 1860, yet from the colony itself we have the most confident expressions of the inexhaustible character of the supply, which requires only improved mechanical applications to be made available to commerce. The attractive novelty of gold mining having passed away, it is not now so general a vocation as formerly, and of late years, while the colony has been increasing in population, the actual work-

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ing miners have rather diminished in number. The gold fields are now also pleasantly diversified by agricultural and gardening operations, and by the vicinity of towns, some of them municipalities and of very considerable size, which absorb many hands in conducting the various affairs of town life. On the other hand, the gold fields of New South Wales show a still increasing production, together with an increase in the numbers of the mining population. Not the least interesting circumstance to us with regard to this great gold production is the fact that nearly the whole of it comes to this country. A strict analysis of the official returns shows this to be the case to a most remarkable extent, and the only rivals who make any pretence to dispute with us the destination of the precious metal are our own settlements in India and China. After due allowance in these returns for exportations to adjacent colonies, to Aden, Suez, &c., which are really destinations *en route* for London, I find that the whole Australian gold may be thus distributed :—Sent to foreign countries, about £300,000 ; to India and China, £8,000,000 ; to the United Kingdom, the whole remainder of £103,340,167.

The fourth table, as representing the range of prices of articles of daily use and of colonial production, gives some idea of the effect of the gold discovery upon social and individual life. In a great pastoral country fresh butter brings at one time 5*s.* a pound and milk 2*s.* 6*d.* a quart. Imagine, also, cabbages rising to 5*s.* for each head, and £400 a year demanded and obtained as the rent of small cottages. Firewood rose from 5*s.* or 6*s.* a load to £4, and water from 1*s.* to 5*s.* a cask. Under such sudden and extreme changes in the prices of the prime necessaries of life, it may be well supposed that society was considerably discommoded. Even the very considerable additions it was soon necessary to make to salaries and wages, especially with those in the educated classes, were for a time but scantily adequate to the emergency. On the other hand, the gold fields poured a flood of wealth into the colony, and most branches of business obtained a share, while every landed proprietor in and around the chief centres of population and business, and especially in Melbourne and its suburbs, found that his yearly income had equalled if it did not even considerably exceed the former amount of his principal. All this extravagance, however, has been gradually subsiding since the beginning or middle of the year 1854. The reasonable rates shown in the last columns of the table are a sign that the colony, after a season of extraordinarily high prices not by any means favourable to real progress, is at length returning to the frugality and industry that will soon increase its prosperity, great as that may have already been from natural resources.

Victoria presents considerable attractions to our emigrating countrymen. There is a breadth of society and a scale of commerce not hitherto met with in colonies. There is a general well-being throughout all classes such as is not found in older and more crowded societies. The climate is just sufficiently warmer than that of this country to add the vine and olive to the agriculture, which in most

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other respects reproduces the home picture with no unpleasing likeness. And to all these elements of ambition, prosperity, or enjoyment, there has been added, for the last six years, the cherished right and privilege of a free self-government.

These colonial liberties, which have been extended by the Imperial concession to all the rising settlements of Eastern Australia, have been ardently welcomed by the colonists, who, in the instance of Victoria, enjoy the control of such public revenues and resources as would make no mean appearance even among European states.

Remarks on Table III.

There has been some difficulty in ascertaining with exactness the quantity of gold produced in and exported from Australia. This difficulty has arisen mainly from the defectiveness of the customs' returns of the two great gold-producing colonies, Victoria and New South Wales, particularly for the three first years of the gold discovery, 1851—53. The Victorian mines were extraordinarily productive in the year 1852, arising chiefly from the rich deposits that were found at Bendigo during the latter half of that year. It was estimated that for several months at that time the production of the colony was not less than 100,000 ounces of gold per week, or at the rate of upwards of £20,000,000 a year. All this time, there was a ceaseless tide of arriving and departing colonists, the latter carrying away with them much of the gold, without having made an export entry at the customs. Most of this gold was traced, however, by the record of its re-export from those adjacent colonies to which it was taken, principally Tasmania and South Australia. The large export of gold exhibited by these colonies, which had only a nominal gold production of their own, was, of course, due to the Victorian gold. In like manner, considerable unrecorded exportations took place to other parts of the world; chiefly to Britain and the East Indian and Chinese ports; but as no re-export occurred or could be accurately distinguished for such places, the estimate in these cases is much less certain than in the other. The Registrar-General of Victoria has supplied an estimate for Victoria, correcting the defective customs' returns so far as reliable data were before him. This estimate does not include the uncertain quantity exported unrecorded to Britain, the East, &c., although the omission is alluded to. As it is highly desirable to ascertain, as nearly as it can be ascertained, the actual quantity of gold that Australia has thrown into the market of the world, the Table here given will supply that want. It is based upon an estimate of the same kind made by the Australasian delegates for their Report to the General International Congress of the year 1860.

Another source of error connected with the colonial customs' records arises from the circumstance that for several years at first, the gold that was largely imported from Victoria into New South Wales and other adjacent colonies was not distinguished in these colonies from gold of their own production. In this way New South Wales, for example, recorded an export of gold, of which a large proportion was already recorded at Victoria, as exported from that colony. In this process, which magnified the real export, there was indeed a compensation for the other, which reduced it. But the official records being quite untrustworthy, the true quantity of the Australian gold, or rather an approximation to it, can be obtained only by special or indirect estimate, as follows:—

Victoria.—The customs' returns are given in one column of the Table, but the Registrar-General's estimates are assumed as the basis. He corrects the earlier valuations of the gold, which from local monetary causes were much under the intrinsic value, having been for a time, in 1852, as low as 60*s.*, the actual value of the gold being about 80*s.* an ounce, the corrected value in question. To the Registrar-General's estimate has been added an estimate for the uncertain quantity he had excluded. The total of this latter quantity I have taken from

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the Australian delegates' report. I have given what was its probable distribution over the three years, 1851—53.

New South Wales.—There is a steady increase of quantity here, while in Victoria, for the last five years, there has been a steady diminution. The customs' returns as regards the exact gold production of this colony are even less reliable than those of Victoria. At first the recorded export showed a great excess, owing to large quantities from Victoria having been imported without record, and again exported without being distinguished from the produce proper to New South Wales. After 1854, the establishment of a Mint at Sydney, by causing the colonial gold produce to be absorbed for coinage, unduly diminished the annual quantity exported, rendering that quantity no correct index to the actual production of the colony—to the actual quantity of gold thrown into the general market. Latterly, as might be expected, after the Mint had supplied the first pressure of local demand, the exported quantity has much more nearly accorded with the actual production, the coinage exported being counted as colonial produce, while the gold from Victoria, as well as gold from any other place, is carefully distinguished. But under all the circumstances, the most reliable method of arriving at a correct estimate as to this colony is to take the quantities of gold sent down from the various mines by the Government services—the "escorts" and "posts"—and to make an allowance for what may have come to the shipping port by other means. In the earlier years, these services were much less availed of than now. For the last two or three years the charge at the Mint for coinage has included a free escort service, so that the escort returns may now be held to represent very nearly the total colonial produce; and as but little delay occurs in the process of either coinage or shipment, these returns will accurately enough approximate to the quantity exported. The additions made for each year to the escort quantities, so as to make up the "probable actual amount of gold as per column in the Table, are—for 1851—52, 35 per cent.; for 1853, 30 per cent.; for 1854—55, 20 per cent.; for 1856—57, 15 per cent.; and for the later years a diminishing ratio, until for 1860 it is only 5 per cent.

Other Colonies.—The other colonies where gold is found are South Australia, Tasmania, and New Zealand. Excepting in the latter colony, the quantities from these colonies are quite unimportant; and even from New Zealand, which has been gold producing since 1857, chiefly in the northern part of the middle island, the quantity has not increased as was at first expected.

The colonial custom with gold is to state the quantity in ounces. The value of all the gold is taken at 80*s.* per ounce, excepting that of New South Wales, which is slightly less pure than the rest, and which is taken at 77*s.* per ounce.

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TABLE I.

Australasian Colonies.

Showing the effects of the discovery of the gold fields upon the Australasian Colonies, illustrated by the comparative amounts of their yearly imports and exports, and the increase of their population. Gold-digging began in New South Wales about the middle of 1854, and in Victoria towards the end of the third quarter of the same year.

	New South Wales.	Victoria.	South Australia.	Tasmania.	New Zealand.	West Australia.	Total.
1850:							
Imports	1,338,490	744,925	845,572	658,540	—	—	—
Exports	1,357,890	1,041,796	545,040	613,850	—	—	—
Population	... ...	69,739	63,700	... ...	—	—	—
1851:							
Imports	1,563,931	1,056,437	690,777	641,609	—	—	—
Exports	1,796,912	1,423,909	602,087	665,790	—	—	—
Population	197,168	85,350	68,638	69,497	26,707	—	—
1852:							
Imports	1,900,436	4,043,896	798,812	860,488	—	—	—
Exports	4,604,034	7,451,549	1,787,741	1,509,883	—	—	—
Population	208,254	148,627	66,538	63,445	—	—	—
1853:							
Imports	6,342,397	15,842,637	2,336,291	2,273,397	597,827	—	—
Exports	4,523,346	11,061,543	2,241,814	1,757,596	303,282	—	—
Population	231,288	198,496	76,050	65,954	—	—	—
1854:							
Imports	5,981,063	17,659,051	2,147,107	2,604,680	891,201	128,260	29,411,362
Exports	4,050,126	11,775,204	1,322,822	1,433,021	320,891	36,245	18,938,309
Population	251,315	273,865	83,550	64,874	32,554	11,976	718,134
1855:							
Imports	4,668,591	11,568,904	1,370,939	1,559,797	813,460	105,320	20,087,011
Exports	2,884,130	13,469,194	988,215	1,428,629	365,868	46,314	19,182,359
Population	277,579	319,379	96,982	69,962	37,192	12,888	814,982

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TABLE I.—*continued.*

	New South Wales.	Victoria.	South Australia.	Tasmania.	New Zealand.	West Australia.	Total.
1856 :							
Imports	5,460,971	12,908,937	1,366,530	1,442,106	710,869	122,938	22,012,351
Exports	3,430,880	15,029,944	1,665,740	2,207,802	318,433	44,739	21,697,538
Population	286,878	348,460	103,442	80,802	45,550	13,391	878,518
1857 :							
Imports	6,729,408	17,256.209	1,623,052	1,271,087	992,995	94,532	27,967,283
Exports	4,011,952	15,079,512	1,958,572	1,356,655	369,395	59,948	23,836,034
Population	305,487	463,135	109,917	82,997	49,802	13,601	1,024,936
1858 :							
Imports	6,059,366	15,108,249	1,769,352	1,330,616	1,141,273	144,932	25,553,788
Exports	4,186,277	13,989,209	1,512,185	1,014,918	458,023	78,649	21,239,261
Population	342,062	504,519	118,340	84,060	59,328	13,500	1,121,829
1859 :							
Imports	6,597,053	15,622,891	1,507,495	1,163,907	1,551,030	125,315	26,567,691
Exports	4,768,049	13,890,473	1,655,876	1,193,898	551,484	93,037	22,152,817
Population	360,022	530,262	122,785	85,968	71,508	13,306	1,183,801
1860:							
Imports	... ...	15,092,734	1,639,591	1,078,826	1,548,333	169,074	—
Exports	... ...	12,951,619	1,783,716	900,439	588,953	89,246	—
Population	350,558	548,358	125,000	89,977	81,273	—	—

New South Wales.—The Population for 1859 includes 23,443 for Queensland. The Imports for Queensland for 1860 are £742,023, and Exports £523,476. The population of Queensland, by census of April, 1861, was 30,059; that of N. S. Wales as above, 350,558.

South Australia.—The Population for 1860 is an estimate corrected by the census of 8th April, 1861, which gave 127,000. A census taken twelve months before, supposed to have been less carefully taken, had given 9000 less.

Tasmania.—The Population for 1856 is that of the census of March, 1857, and that for 1860 is according to census of April, 1861. Some of the earlier New Zealand and West Australian statistics of Commerce and Population either have not been officially published, or are not generally accessible. The Populations in the Table are exclusive of the aborigines, and also usually of the military and their families. They are the numbers for 31st December of each year.

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TABLE II.

Colony of Victoria.

Showing the effect of the Gold Discovery upon the Commerce, Finances, and Population of the Colony.

SUBJECT.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.
Shipping : Number of Ships	1,063	1,370	3,132	4,862	.. ..	.. ..	3,879	4,397	4,049	4,062	—	—
„ Tonnage.....	196,117	240,431	758,512	1,386,340	.. ..	.. ..	1,076,971	1,379,090	1,289,357	1,295,649	—	—
Imports	744,925	1,056,437	4,043,896	15,842,637	17,659,051	11,568,904	12,908,937	17,256,209	15,108,249	15,622,891	15,092,734	—
Exports	1,041,796	1,423,909*	7,451,549*	11,061,543*	11,775,204	13,469,194	15,029,944	15,079,512	13,989,209	13,890,473	12,951,619	—
Total Commerce....	1,786,721	2,480,346	11,495,445	26,904,180	29,434,255	25,038,098	27,938,881	32,335,721	29,097,458	29,513,364	28,044,353	—
Revenue, ex-Loans, &c.	261,321	379,824	1,577,181	3,202,139	3,201,385	2,658,671	3,039,375	3,153,297	3,039,791	3,257,724	3,006,326	—
Bank-note Issues.....	.. ..	180,058	1,327,311	1,919,086	2,191,115	2,014,292	2,325,263	2,330,121	2,121,589	1,952,193	1,947,352	1,843,732
„ Deposits	.. ..	823,709	4,834,957	6,271,073	5,068,790	4,869,241	6,070,983	6,025,538	6,017,446	6,213,374	6,854,225	7,422,360
„ Discounts and Loans..	.. ..	773,601	1,632,587	3,955,943	6,394,456	4,770,638	6,595,852	7,400,637	7,562,469	8,361,732	9,096,803	9,078,425
Coin held by Banks.....	.. ..	310,724	1,905,118	3,478,154	2,322,441	2,737,001	2,798,254	2,364,447	2,065,176	2,307,032	1,919,703	2,210,327
Rating value of Melbourne	123,140	154,063	174,723	638,824	1,553,965	1,077,725	726,807	.. ..	995,945*	836,894†	—	—
Population of Melbourne ..	21,000	23,143	50,000	70,000	76,565	85,000	90,000	92,300	.. ..	.. ..	.. ..	108,224 ‡
„ Colony	69,739	83,350	148,627	198,496	273,865	319,245	348,460	.. ..	504,519	529,933	548,358	540,322

* These figures would have been higher, but for the fact that the Customs' Record of the quantity of Gold exported was greatly defective for the first three years, as is explained in the remarks on Table III. With the corrections there supplied, the true amounts may be stated at about £1,750,000 for 1851, and nearly £18,000,000 for 1852.

† The Rating value of Melbourne, for 1858 and 1859, is diminished by the detachment of two of its wards, which are formed into separate municipalities, and which may represent unitedly a value of £70,000 to £80,000.

‡ Including the suburbs, the most considerable of which are now part of the town, the population of Melbourne exceeds 125,000.

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TABLE III.

Australasia: the Gold-producing Colonies.

Estimate of the Amount of Produce of the Australian Gold Fields exported from the different Colonies from 1851, the year of discovery, to the end of 1860.

Year.	Victoria.			New South Wales.		South Australia, Tasmania, and New Zealand.	General Total from 4, 6, and 7 Columns.
	Official Returns.		Probable Actual Amount.	Per Escorts and Posts.	Probable Actual Amount.		
	Per Customs.	Per Registrar-General.					
1	2	3	4	5	6	7	8
1851	438,777	580,587	845,523	417,587	563,116	... ...	1,408,639
1852	6,135,728	10,899,733	15,899,733	900,368	1,215,684	21,000	17,136,417
1853	8,644,529	12,600,083	14,100,083	818,141	1,062,989	21,000	15,184,072
1854	8,255,550	9,568,262	9,568,262	423,094	507,796	21,000	10,097,058
1855	10,904,150	11,172,261	11,172,261	394,754	481,604	21,000	11,674,865
1856	11,943,458	11,942,783	11,942,783	534,467	614,164	21,000	12,577,947
1857	10,987,591	11,046,113	11,046,113	570,284	657,696	62,556	11,766,365
1858	10,107,837	10,112,752	10,112,752	983,808	1,116,311	74,720	11,303,783
1859	9,122,037	9,122,702	9,122,702	1,113,740	1,175,358	65,724	10,363,784
1860	8,624,860	8,624,860	8,624,860	1,367,970	1,436,377	66,000	10,127,237
Totals ...	85,164,517	95,670,136	102,435,072	7,524,218	8,831,095	374,000	111,640,167

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TABLE IV.

Colony of Victoria.

Showing the course of Prices in the Colony of Victoria of Articles whose supply depended, more or less, upon Colonial Production; exemplifying the altered and irregular features occasioned by the Gold Discovery. (The Gold Production in this Colony became a noticeable feature towards the end of September, 1851.)

Articles.		MONTHLY AVERAGE PRICES.																																	Prices in May, 1861.		
		1850.						1851.						1852.						1853.						1854.						1859.								
		Highest.			Lowest.			Highest.			Lowest.			Highest.			Lowest.			Highest.			Lowest.			Highest.			Lowest.			Highest.			Lowest.					
	Per	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Hay	ton	5	0	0	3	0	0	8	0	0	6	12	6	26	10	0	6	0	0	33	0	0	26	0	0	39	0	0	34	0	0	10	0	0	7	5	0	7	0	0
Oats	bush.	0	3	3	0	3	0	0	5	9	0	4	9		...		0	5	9	0	14	0	0	8	6	0	16	0	0	11	0		...			...		0	4	0
Barley	do.	0	3	0	0	3	0	0	4	0	0	4	0	0	4	0	0	3	6	0	12	0		...		0	10	6	0	9	0	0	4	9	0	3	9	0	6	6
Wheat	do.	0	4	3	0	3	6	0	10	0	0	6	0	0	12	0	0	5	0	0	10	6	0	7	6	0	15	3	0	13	0	0	14	9	0	8	3	0	7	0
Flour.....	ton	10	10	0	9	15	0	25	0	0	17	0	0	40	0	0	23	0	0	35	0	0	25	0	0	35	0	0	33	0	0	33	0	0	19	5	0	18	0	0
Potatoes ...	do.	6	0	0	5	0	0	9	0	0	7	0	0	17	0	0	10	0	0	26	0	0	17	0	0	24	0	0	23	0	0	23	0	0	4	15	0	5	0	0
Cabbages ...	each	0	0	3	0	0	1½	0	0	6	0	0	2	0	1	6	0	0	1	0	2	0	0	1	0	0	5	0	0	1	6	0	1	2	0	0	7	0	0	3
Bread, loaf	4 lb.	0	0	6	0	0	6	0	1	0	0	1	0	0	1	4		...		0	1	9		...		0	1	9	0	1	6	0	1	2½	0	0	10½	0	0	8½
Fresh Butter	lb.	0	1	6	0	1	0		...			...		0	2	0	0	2	0	0	4	6	0	3	0	0	5	0	0	4	0	0	2	9	0	2	3	0	1	9
Milk	qrt.		...			...			...			...			...			...		0	1	6	0	1	6	0	2	6	0	1	6	0	1	0	0	1	0	0	0	9
Eggs	doz.	0	2	0	0	0	10	0	2	0	0	1	0	0	2	0	0	2	0	0	6	0	0	5	0	0	10	0	0	6	0	0	3	6	0	2	0	0	3	0
Beef	lb.		...			...			...			...			...			...			...			...			...		0	0	8	0	0	6½	0	0	6	0	0	4
Mutton	do.	0	0	1¾	0	0	1¼		...			...			...			...			...		0	0	4½		...			...		0	0	6	0	0	5½	0	0	4
Fowls	couple	0	4	0	0	3	6	0	4	0	0	3	6	0	14	0	0	3	0	0	16	0	0	14	0	1	0	0	0	14	0	0	10	6	0	7	0	0	6	0
Turkeys.....	each	0	12	0	0	6	0	0	8	0	0	6	0	0	10	0	0	7	0	1	0	0	0	16	0	2	0	0	1	0	0	1	0	0	0	16	0	0	12	0

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The Bankrupt Laws of Belgium. By M. CORR-VANDERMÆREN, *a Judge of the Court of Commerce at Brussels.*

I OWE the privilege of attending this distinguished assembly to my position as chairman of the "International Association for Customs Reforms," established by the Free Trade Congress held at Brussels in 1856; I have been delegated here by the Central Committee of that Association. To fulfil the mission with which I am charged, and to show how the question of commercial law has come into the province of our free trade association, I must ask permission to say a few words in explanation.

Engaged in the battle for free trade for a great number of years, we took advantage of the constitutional liberties which we so happily enjoy in Belgium to agitate that great question upon the Continent. In 1847, we got up an international congress, "*le congrès des économistes,*" where were discussed the principles of political economy in their applications to international commerce. We persevered in the teaching of those principles until 1856, when we got together another and a more important congress, "*le congrès pour les réformes douanières.*" In this latter congress we discussed before several hundred members, gathered from various countries, the most practical means to reform the customs' tariffs in every country; this congress gave birth to our international association, which again placed in the hands of a central committee established at Brussels the duty of carrying out its objects, and the power to convene, at a proper time, its future meetings. The unsettled state of Europe interfered very much with the workings of this committee; meanwhile, a Belgian association, of which I was also named president, continued with unabated vigour its peaceful agitation. After five years, during which this association held meetings all over Belgium, the public mind has been converted to free trade. Our tariff has been considerably reformed, and our chambers of commerce now are claiming the complete suppression of all customs. Thus, the question of free trade in Belgium has now entered upon its last stage, and the international central committee has resolved to convene, in 1862, a third congress, which will have to entertain the great question of the total suppression of customs in all countries; the international association will thus become virtually one for financial reform.

Amongst the members of the congress of 1856, an Irish barrister, a countryman of yours, Mr. Dix Hutton, brought forward the question of tribunals of commerce. This important question was well handled by Mr. Hutton; the resolutions proposed by him were voted, and the congress referred to our association the question so ably advocated by this distinguished member of the Irish bar. It is in the performance of the duties thus devolved upon us that the Brussels committee sent me here. I regret that they did not choose a more competent person to represent them upon this occasion.

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I have not made law my special study, I have passed my life in commercial pursuits; owing to that fact, I have been returned several times as judge of the Tribunal of Commerce of Brussels, and I have been lately again called to the same office by the unanimous vote of the merchants of that city. I must claim your indulgence for my insufficiency in the English language, as well as in many other respects. I shall, however, attempt to give you a slight sketch of the practical workings of the bankrupt laws of Belgium. My demonstration will necessarily be incomplete, and in order to give any additional information that may be required, I put myself at the disposal of the section to answer to the best of my abilities any questions that may be put to me respecting the internal workings of the Belgian Tribunals of Commerce.

In 1830, when Belgium, after a bloody contest, proclaimed her independence, a national assembly, perfectly independent, and in the absence of royalty, discussed clause by clause a constitution which forms the basis of those political institutions which insure to her people the enjoyment and the blessings of perfect constitutional freedom.

(1) The civil and commercial laws of Belgium, like those of a great portion of Europe, have their basis in the great body of statute law, known by the name of "*Code Napoléon.*" Those laws, particularly the commercial laws, have been modified in many respects so as to make them suitable to the country, and to the times in which we live.

For the purpose of determining disputes arising out of trading and commercial transactions, the law provides for the establishment of tribunals of commerce, in such places as the Government shall, by reason of the extent of mercantile business in the district, see fit to determine. The laws for the organization of these tribunals are to be found in the Code of Commerce. The object of their formation is, to secure a readier and shorter mode of determining questions arising out of commercial transactions, as also to provide a tribunal which, not being so fettered with forms as the other tribunals, may also take into consideration those principles and customs of trade which are best understood and appreciated by those who are themselves daily and continually employed in commercial transactions. The tribunal is composed of a president, and of not less than two or more than eight judges, whose services are purely honorary. The president is chosen from among the old judges, and must be at least forty years of age. The judges are elected for two years by an assembly composed of the chief merchants and traders in the locality, from a list prepared by the governor of the province, and approved of by the Minister of the Interior. The judges, as also the supplementary judges, belonging to the tribunals of Belgium, must be of the age of thirty years at least, and have been actively employed in trade, with honour and success, for at least five years. The registrar and bailiffs of the court are nominated by the King.

The intervention of solicitors, in proceedings before the tribunals

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of commerce, is forbidden; but in other respects the proceedings are conducted in the same manner as before the civil tribunals. The judgment of the court must be delivered in the presence of three judges at least, including the president. The tribunals of commerce determine, without appeal, actions in which the amount sought to be recovered does not exceed the value of 2000 francs in principal (£80); beyond that sum, an appeal may be brought before the ordinary courts of appeal, as the tribunals of commerce stand in the same relation to matters of trade as the tribunals of *première instance* do to civil matters.

The tribunals of commerce can alone take cognizance:—(1) of all disputes relative to engagements and transactions between merchants, traders, and bankers; (2) of disputes between all parties relative to acts of commerce; (3) of actions against factors, and merchants' clerks or servants, in matters relating to the trade in which the merchant is engaged; (4) of matters relating to failures, bankruptcies, and insolvencies. Their jurisdiction in respect to the matters which they are competent to determine is co-extensive with that of the civil tribunal of the arrondissement, except where there may be more than one tribunal of commerce within the arrondissement, in which case the district over which the jurisdiction of each extends is prescribed. In arrondissements where no tribunal of commerce exists, the tribunal of *première instance* performs the functions attributed to the tribunal of commerce, according to the laws which regulate the questions cognizable by these tribunals. It is supposed by many people in this country, I have even remarked it amongst the members of Parliament, when I was examined before a Committee of that House, that the Belgian tribunals of commerce are mere chambers of arbitration, whereas the fact is that those tribunals are royal courts of justice, possessing jurisdiction and executive power equal to the highest courts of the State; their judges sit in robes, as do those of the other courts. They administer justice in the name of the King. The Code de Commerce, which rules the jurisprudence of this court, was promulgated in 1807. A section of this code has always been devoted to the bankrupt laws of Belgium, but its original text was replaced by a law on failures, bankruptcies, and insolvencies, voted by the Belgian Legislature on the 18th of April, 1851, which forms now the third section of the code, and is a great improvement upon the former enactments of the Code Napoléon. The objects in modifying the old section were to simplify, and thereby to obtain economy of time and money. Ten years' experience has proved that those objects have been admirably realized.

According to the present bankrupt laws of Belgium, every merchant or trader who ceases to pay his debts is, by that fact alone, in a state of bankruptcy.

The state of bankruptcy is declared by a judgment of the Tribunal of Commerce; it declares the cessation of payments by the bankrupt, either upon the admission of the fact of his having ceased his payments being laid before the court by the bankrupt himself, or upon a

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written request proving the same fact put before the court by one or more of his creditors, or by the initiative of the court when the cessation of payments comes to their knowledge by bills being protested or any other facts proving sufficiently the state of insolvency.

The Tribunal of Commerce receives from the competent authorities every month a list of all the bills protested in their arrondissement.

By the judgment declaring the state of bankruptcy, the tribunal names one or more *curateurs*, or assignees, to whom is confided the conduct of all the operations; it delegates one of the judges of the court who is specially charged with the surveillance and direction of the assignee, who is previously authorized by this *juge-commissaire* in every act of his administration.

The *juge-commissaire* reports to the Tribunal, and deliberates with the sitting judges upon every case where the interest of the estate may be engaged; he presides over every assembly held in reference to the bankruptcy confided to his charge.

By the same judgment the court fixes the dates on which the creditors are to furnish their accounts, and on which those accounts are to be admitted or discussed. The first of those meetings must take place within twenty days.

All accounts admitted or disputed must be dealt with in open court; every creditor whose account is admitted as correct has a right to take part in the proceedings and debates.

Wherever there is any appearance of fraud, or even neglect in keeping proper books, the tribunal may, by the same judgment, order the arrest and imprisonment of the bankrupt; and the tribunal may by the same or another judgment, when acts are discovered which prove that the bankrupt had in reality ceased his payments at an earlier period, fix the state of bankruptcy at that period, so as it does not go back more than six months from the declaration of the bankruptcy.

The assignee, after taking an oath before the *juge-commissaire* to execute with integrity the mission which he receives from the court, proceeds with the judge, accompanied by a *commis-greffier*, (a registrar-clerk,) to take possession of the estate.

If a detailed inventory of all the assets cannot be made out in one day, the judge orders everything to be put under the seal of the court in his presence.

In three or four days after this a regular inventory is made out in presence of the judge, who gives over the estate into the safe keeping of the assignee. The bankrupt is summoned to be present during all these operations, and he is obliged to give all the information in his power that may be required from him; he must, and any of his family or his clerks or servants may, be put to his oath by the judge as to the question whether or not the whole of his assets have been given up for the benefit of his creditors.

The means for the winding-up of the concern are carefully examined. In order to save expense of warehouse and house rent,

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the immediate sale of the property by auction or otherwise is generally considered the best. The sale must be authorized by a judgment of the court, given upon the report of the *juge-commissaire.*

The judgment declaring a bankruptcy is brought to the knowledge of the parties interested by the public papers, by placards, and by circular letters, which are addressed to all those who may be known by the assignee.

At a subsequent meeting of the creditors, the bankrupt may, if he thinks proper, make proposals to compound with them, or, as we call it, to obtain a *concordat.* The creditors, after discussion of those propositions, vote upon them. The intention of the creditors to agree to a *concordat* must be expressed by a majority in number, and three-fourths in amount, of the whole body.

The *concordat* is not perfect without the sanction of the court; when this sanction of the court is obtained, the assignee gives in his account and the bankruptcy is terminated. If the composition or arrangement proposed by the bankrupt has not been accepted by his creditors, or fails to obtain the sanction of the court, the assignee proceeds with the definitive liquidation of the estate. The law provides that all moneys received by the *curateur* must be immediately placed at interest at the *caisse des consignations*, an office belonging to the Government Treasury. The liquidation being at an end, the *juge-commissaire*, after verification and a strict audit of the accounts, and the personal account of the *curateur* being taxed by the court, convenes a general meeting of the creditors, wherein they receive a detailed report of all the transactions of the bankruptcy; the creditors are heard in any observations which they may wish to offer; if no objections are produced they sign the *procès-verbal* of the assembly, by which they give a discharge in full to the assignee. At this latter meeting the judge consults the creditors as to the question whether the bankrupt should or not be declared excusable by the court; this word "excusable" corresponds, I suppose, with what I believe is called here a certificate; whatever may be the opinion of the creditors, the question of excusability remains with the court.

If the bankrupt is declared excusable, the creditors lose all future right to imprison him for whatever balance he may remain their debtor for. If he is declared non-excusable they recover all their rights against him, including that of imprisonment for debt, which each one of his creditors may exercise for the amount remaining due to them. The bankruptcy laws of Belgium are very lenient towards those who are only unfortunate, but they give most energetic means of punishing fraud. If at any future period, a bankrupt, coming to better fortune, pays his creditors the whole amount of his debts, with interest, the law sanctions his reinstatement in all his rights.

One of the judges of the Brussels Tribunal of Commerce is named every three months to perform the duties of *juge-commissaire* in all the bankruptcies declared during that period. I have had those duties to perform in Brussels during the months of May, June, and

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July, 1861. The court of Brussels declared in that period twenty-four bankruptcies, all of which were confided to my direction, besides forty-three others which were given over to me from judges whose time was up. When a bankruptcy shows no assets whatever, not even the £8 or £10 which are necessary to pay the expenses of working it, it is immediately closed by a judgment of the court; and the effects of bankruptcy having thus ceased, the bankrupt becomes again liable to be sued and imprisoned for debt by any one of his creditors. Of the forty-three cases handed over to me from my predecessor by judgment of the court, thirty-seven are concluded, and the court has pronounced upon the excusability of each of these; the six remaining cases are impeded by various incidents, such as law-suits, out-standing debts, or assets in foreign countries, &c. Of the twenty-four new cases declared during my period of three months, five were closed for want of assets, six have been regularly wound up and definitively disposed of; the thirteen remaining still under my direction are progressing, and, with the exception of those cases where complicated incidents interfere, I hope to have them all closed and wound-up in the course of another month.

The new bankrupt laws of Belgium now practised for ten years have produced great economy of time and money;—so much so that the President of the Brussels Tribunal of Commerce, in his report to the electors on the 12th of March last, recommended strongly the adoption of this mode of legal liquidation. "The expenses," said he, "of the working out of a bankruptcy case are very moderate, and we think that it would be much to the interest of honest dealing (except, perhaps, in cases of large establishments where the law of '*sursis*' may be applicable,) and far more desirable, to have recourse to this judicial mode of liquidation, than to those amicable and private arrangements wherein the most pressing creditors generally obtain special advantages over the others, and which we see in almost all cases end in disastrous results.

I shall conclude by one observation: we are labouring to suppress custom houses, to adopt uniform weights and measures, to remove all restrictions on international relations; we are labouring, in fact, to promote commercial intercourse and feelings of brotherhood between all nations by assimilating their interests. The uniformity of commercial laws—so happily introduced into the programme of the National Association for the Promotion of Social Science—is another and a most important link in this golden chain of harmony and peace between nations, which the promoters of free trade and of free institutions are endeavouring to put together. International uniformity of commercial laws is the corollary of free trade.

I recollect some years ago having produced at one of our free trade meetings, as an example for Belgium to imitate, a little sixpenny book containing the British tariff, whereas at that time our tariff formed a frightful folio volume, with additional supplements.

I know very little of the commercial laws of Great Britain, but I

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am informed that to acquire any knowledge of them, I should have to study more folio volumes than one—a task which would be out of the reach of a commercial man.

We have profited by the example given by your sixpenny tariff; our folio volume has disappeared, and we are progressing towards reducing it to nothing. I have here in my hand a sixpenny book of our own containing the commercial laws of Belgium, which I offer to you in return as an example which may, at all events in its form, be useful for you to consider.

If every country had, like Belgium, a fixed code of commerce, the merchant could thus obtain for sixpence the means of acquiring some knowledge of the laws which govern his operations in trade, and which would serve him as a guide to his transactions, not only in his own country, but also in foreign countries to which he trades; and commercial law would no longer be the exclusive monopoly of lawyers.

Extension of Bonding Privileges. By George Clarke, *Secretary to the Worcester Chamber of Commerce.*

The privilege of bonding articles liable to the payment of customs' duties—that is, of allowing the payment of such duties to be deferred till the articles themselves are required for retail trade—under certain restrictions for the protection of the Exchequer from loss or fraud, is one of the greatest importance to the trading community, and indirectly to the whole population. It is obvious that if a merchant sells in the course of a year articles chargeable with customs' duty to the amount of, say, £1000, by the postponement of the payment of the duty till the time, or immediately before the time, of disposing of the goods and receiving payment for them, he will have at his disposal an additional amount of capital proportionate to the duty so deferred, whereby his commercial transactions may be greatly developed, to the mutual advantage of himself and his customers generally, without any ultimate loss to the revenue.

This privilege is enjoyed by about eighty existing ports of England and Wales, and, under the provisions of the Customs' Inland Bonding Act, 1860, has been extended to some inland towns.

The object of this paper is to suggest whether these privileges, or even the full privileges of a port, might not with great propriety be extended to all inland towns of sufficient commercial importance which are situate on rivers navigable by seagoing vessels.

The city of Worcester may be mentioned as a case in point. During the summer of 1860 the Worcester Chamber of Commerce procured returns from the merchants and traders of that city, which showed an annual consumption of customable articles the duty on which amounted to upwards of £95,000.

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	£	s.	d.
Tea	22,652	2	8
Coffee	1,006	3	9
Sugar	11,087	10	0
Raisins, &c.	2,717	0	0
Wines and spirits	27,140	0	8
General returns from grocers	29,950	0	0
Spices, pepper, drugs, and jewellery	515	0	0
	£95,067	17	1

A memorial was prepared and presented to the Treasury, stating, among other things, that Worcester was situate on the river Severn, which is navigated by seagoing vessels of 150 tons up to, and twelve miles above, Worcester Bridge; that the commercial enterprise of the city had lately increased, but its further extension had been checked by the want of power to bond goods; referring to the salt trade of the neighbouring town of Droitwich, the supply of which is known to be of first quality, and in quantity practically unlimited, and to the practicability of vessels bringing foreign cargoes to Worcester returning laden with salt; explaining still further the favourable position of the city as the centre of the system of railway communication between the rich mineral and agricultural districts of South Wales and Herefordshire, the iron and coal fields of Wolverhampton and Staffordshire, and the metropolis.

The memorial next set forth the expense and needless risk incurred by merchants in removing goods held by them in bond at Gloucester, London, or other privileged ports; in conclusion, submitting that the amount of customs' duties above stated justified the application for the privilege of bonding being extended to that city under the provisions of the recent Act.

The then Secretary to the Treasury, Mr. Laing, admitted that Worcester had shown a sufficient consumption of customable articles to give it a *locus standi* under the Act, and promised to submit the application to the Commissioners of Customs, who, however, eventually refused to accede to the prayer of the memorial.

One consequence of the existing state of things is, that the merchants of Worcester and other towns similarly situated are obliged to have warehouses at Gloucester or elsewhere; and a case came recently to my knowledge of a consignment of goods directed to the bonded vaults in Gloucester of a wine merchant in Worcester, which, passing in due course through Worcester, was retained by the railway authorities at Worcester railway station, and delivered at the vaults in Worcester. The mistake was, however, immediately discovered, and the goods at once reloaded and sent on to Gloucester; otherwise, as the duty had not been paid, the merchant might have been seriously prejudiced by the transaction.

It is submitted that it is the duty of Government to promote rather than check the development of trade, and especially in any

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district offering combined facilities of land and water carriage; and it is manifest how great a stimulus would be afforded in the case just mentioned if goods were allowed to be conveyed direct to Worcester without being previously landed for payment of duty, and then re-shipped.

There may be an objection raised that the passage up a river would afford facilities for smuggling; but this is easily guarded against in the passage to Gloucester, and also to the port of Goole, and other inland places; and there appears no reason why the same rights should not be extended to all inland towns similarly situated.

In conclusion, this meeting is respectfully requested to strengthen the hands of those interested in the development of the commercial interests of the kingdom by passing a resolution to the following effect:—

"That the present restrictions on the importation and warehousing of customable articles under bond tend to prevent the development of trade, and press with especial and undue weight on those inland towns which possess direct communication with the sea by navigable rivers or canals." *

On Consular Jurisdiction in China and Japan, and the Necessity of a Joint Tribunal to counteract the Evils of Extra-territoriality. By D. J. MACGOWAN, M.D., *Delegate of the Shanghai Branch of the Royal Asiatic Society.*

A REVIEW of the history of the hoary and colossal empire of the Far East, from the treaty of Nankin, in 1842, to the treaty of Pekin, suggests matters of grave consideration to merchants, philanthropists, and statesmen: and having resided in China during that period in the exercise of my profession, filling for a time the office of United States' consul, and publishing a newspaper in the Chinese language, I feel it incumbent on me to advocate the claims of China and the adjacent countries to special consideration in view of the anomalous position in which they are placed by our greater strength. By the former treaty, China was brought for the first time into diplomatic intercourse with Christendom, when she submitted to the applications of the principles which control Christian nations in their intercourse with Mahomedan Powers; she was compelled to abdicate sovereignty so far as to admit of extra-territoriality—that is to say, to concede to resident British subjects exemption from her authority. A few months later the United States, and subsequently France, claimed and obtained the same privilege. In the treaties recently negotiated with Japan and Siam, our diplomatists obtained like concessions, but, as may be supposed, not without something like menace.

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* See Discussion on Extension of Bonding Privileges in Summary of Department.

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For example, Sir John Bowring states, "The most difficult part of my negotiations was the emancipation of British subjects from subjection to Siamese authority." In accordance with their treaty stipulations, England, the United States, and France successively appointed consuls empowered to exercise judicial jurisdiction over their respective subjects. Unhappily this substituted jurisdiction has been so imperfectly exercised that the concession has proved disastrous to China, and a great impediment to healthful intercourse—mercantile, political, and moral. This having been the case when foreigners were restricted to a few isolated districts, what may be expected now that the whole empire has been thrown open? It must be admitted that the three "Treaty Powers" were not indifferent to the obligations which their assumption imposed. The British Government organized a consular system, fully adapted to avert from China the evils which extra-territoriality entails; and in consideration of the extent of her commerce, and the possession of Hong Kong, this much was specially incumbent on her. France, having then very few subjects in China of a character likely to injure the natives, had little need of consulships; all that her circumstances called for she accomplished. Hitherto the United States had intrusted consular power to non-salaried officers—mercantile gentlemen, to whom the fees of the office were no object. This system, always objectionable, became impracticable when Congress, in carrying out the treaty stipulations, invested consuls with a large degree of judicial authority. Accordingly provision was made for salaried consuls, whose legal powers were ample for every emergency. The new arrangement however proved most defective, and not only were the salaries inadequate to secure the continued services of suitable men, but means were wanting to enable them to perform the functions of their office, there being neither interpreters, constables, nor prisons properly provided; hence fraudulent and lawless Americans often transgressed with impunity. This induced British subjects frequently when detected in crime to claim American citizenship, puzzling the mandarins and baffling the consuls. These were minor sources of injury to the Chinese. It was from the subjects of Powers which had no treaty with the Chinese that she suffered most. A proper consular system entails an expenditure which only an extensive commerce can maintain, yet as all mercantile Powers were admitted to the privileges wrenched from China by England, France, and the United States, the non-treaty powers appointed consuls also from among foreign merchants, who were powerless with regard to the detection of crime, the apprehension and punishment of offenders, even within the precincts of the port where offences were committed; and of course beyond the ports, through a vast extent of seaboard, each did that which was right in his own eyes. Before the Chinese all nationalities professed to be British, and the fear of incurring the displeasure of that dread power paralysed what little authority the mandarins on the coast possessed.

Hence, during the period in question, China has been the prey of

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pirates and brigands from all parts of Christendom. The proximity of Macao, and, truth compels me to add, the unwillingness of her local authority to restrain its subjects, caused the Portuguese to become depredators beyond all other foreigners. One of the disastrous results of the first war with England was the discovery by the Chinese of the impotence of their rulers. Multitudes were consequently soon arrayed against the government, particularly on the seaboard, where weakness and incapacity were most palpable. Piratical Chinese fleets became so numerous as almost to destroy the coasting trade; poor fishermen even were not exempt from spoliation. As a corrective of this evil, native merchants paid liberally for foreign convoy. The junks sailing in large fleets were able to secure the presence of a foreign merchant vessel at a moderate charge to each, an arrangement which for a time was mutually advantageous. It was not long, however, before the Macao lorchas, or sloops, manned to a great extent by Manilla men or Cantonese, competing with the square-rigged vessels, obtained a monopoly of the convoying trade. Abuses soon became rife, causing mariners, fishermen, and coastlanders to sigh for the times when native pirates pursued their comparatively harmless vocation. The unfortunate people were before scourged with whips, now with scorpions. Smuggling also, the never-ceasing vice of foreigners, assumed a systematic form at the non-consular ports. Lorchamen often dictated to custom-house officers the amount of duty to be paid for the whole Chinese fleet of which they had taken charge, reserving to themselves the sum abated. While intimidating the mandarins ashore, they practised extortion on their *protégés*. It ceased to be optional with native craft to employ convoys—they were not at liberty to decline protection, nor were they consulted as to the amount they were to pay. From this the transition to piracy, robbery, and murder at sea was easy, and they were soon followed by like crimes on land. Whole villages were reduced to ashes, the men butchered, and the women violated. Chinese officers who attempted to thwart these buccaneers were killed on the spot, or captured and held to ransom. The number of unoffending Chinamen who had been put to death, some of them tortured in a diabolical manner, would not be credited if told. Much of my surgical practice has been due to those piracies and forays. As regards property, there has been a corresponding loss on the part of the unfortunate natives. No device for raising moneys or supplies was left untried. The poor man's store of yams, his dried fish, or fuel stored up for winter's use, have not been spared—the last fowl or goat of the solitary islander has been carried off by the insatiable foreigner. The fisheries were subjected to heavy charges and a coercive protection. Adventurers who could not command a lorcha fitted up native boats carrying on depredations in estuaries and rivers. Others opened offices in small towns for the sale of passes, which boats crossing from headland to headland were compelled to possess, in order to escape greater extortion when under weigh. Not a small part of the wrong perpetrated in this way was by natives

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under foreign protection and in foreign habiliments. In such fear are Portuguese held that few possess courage to withstand even their effigies. About nine-tenths of these harpies were foreigners, the balance being composed of vagabonds from almost every maritime state under heaven, representing almost every class in society. In my capacity as American consul I was often applied to for information by the mandarins as to the nationality of the parties who were oppressing the people. These functionaries are in constant dread of provoking the ire of foreign Powers, and fear to take action lest they should be found committing a mistake. Had it been possible to restrict, as was contemplated, all intercourse to the consular ports, these lawless proceedings would have been comparatively limited: but foreign commerce which included at some places kidnapping for the coolie trade, and in all places smuggling, competes so successfully with that of the natives as to secure almost the entire coasting traffic.

It will be seen that China is exposed, throughout her entire coast of more than 2000 miles, to the evils which her helplessness invites. Being personally cognizant of this state of things, I felt bound to remonstrate in 1857 against the contemplated opening of all China to foreigners without restrictions of any kind. On the occasion of the second war, governments, the press, chambers of commerce, entire Christendom, aimed to secure unrestricted travel and residence in China, demanding privileges not even accorded to the children of the soil. I endeavoured to show in a pamphlet that if such conditions were wrung from China it would be detrimental to every foreign interest as well as destructive to the natives. That an unconditional compliance with the demands of foreigners would cause the horrid barbarities which have devasted the coasts to be re-enacted in the interior; that adventurers who shoot down Chinamen with no more compunction than if they were pheasants, would go farther and travel faster than consul, merchant, and missionary. That rape, robberies, and murder, would extend up her far-reaching rivers, along her interminable network of canals, on the surface of her broad lakes, and through every navigable watercourse. And as a consequence, the assassination of the peaceful traveller, massacres, foreign intervention, blockades and wars, would be sure to follow, to the injury of every foreign interest. To avert from China and western nations these impending calamities, I proposed a system of passports, that irresponsible and improper persons might be debarred from privileges so easily abused. That system was subsequently adopted by the allied ambassadors, and has become the law of the land. These passports will prove, to some extent, a check to the extension of the evils I have described; but indifference on the part of Chinese officials, and the unscrupulous audacity that characterizes foreigners in the East, will eventually render the regulation a dead letter. I am apprehensive, therefore, that commerce and missions will find impediments from the abuse of the concessions we have obtained, which must result in new complications and disasters,

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unless the countries which are responsible for this forced abdication of authority discharge their self-imposed duties with more than wonted fidelity. The Treaty Powers, however, have other obligations in China than the exercise of due restraint over the residents of their respective countries. From the foregoing statement respecting the conduct of foreigners from other countries, it will be seen that consular authority is impotent where most required; that the substituted jurisdiction to be effective must be extended to all foreigners. How shall this be accomplished? Obviously by the establishment of a joint tribunal, composed of the consular officers, a court which shall have jurisdiction over subjects of those countries which are not officially represented in China. I cannot too earnestly plead for the establishment of such a court. If the Chinese Government possessed the strength and vigour of that of Japan, no tribunal of the kind would be necessary. The Japanese resolutely refuse to admit in their waters the vessels of non-treaty countries, and thus secure themselves against attacks from irresponsible adventurers. Let China be instructed to adopt the same prohibitory regulations respecting those of the non-treaty Powers which are defective in their consular systems, and which refuse to commit the government of their resident subjects in China to the proposed mixed tribunal. Let her be sustained in this course, and many of the inconveniences of our usurped jurisdiction will be corrected. When this is accomplished, there will yet remain abundant sources of irritation, requiring the strongest repressive measures from consuls towards their countrymen. Consuls are to be regarded rather as the protectors of the Chinese than as guardians of foreign interests. This becomes the more necessary from the character of Chinese officials. But apart from the weakness of Chinese authority, the inefficiency and venality of the mandarins, the existence of the foreign possessions on her coast —Hongkong and Macao—renders it impossible for China, unaided, to avert the evils I have attempted to depict. A due regard for our mere commercial interests alone should impel us to counteract the mischief which our diplomacy and arms inflict on this part of the human family, whose wants and industry promise to afford a continually increasing impetus to manufactures and commerce, whose liberal tariffs indicate that the sound views of political economy enunciated by Mencius, a score of centuries before Quesnay taught the economists of France in his "Physiocritie," or Smith, in his "Wealth of Nations," propounded his theories to the liberals of England, still exercise influence. "Let no duties be exacted at the outposts, and all strangers under heaven will gladly travel by our roads," was the wise injunction of the great commentator of Confucius. I am not without hopes that this brief representation of the wrongs inflicted on China—this imperfect vindication of her claims —being presented by an American to a British international body, presided over by a French political philosopher—will secure for my clients a degree of consideration commensurate, in some degree, with the magnitude of the interests at stake.

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On the International Aspects of Bankrupt Laws. By JOHN WESTLAKE, *Barrister.*

I do not use the term Bankruptcy in any technical sense, as that in which until the legislation of the present year it was distinguished in England from Insolvency, but as a generic name for all systems which aim at one or both of these two objects: the equal distribution of a debtor's property among his creditors, and the liberation of a debtor from his obligations. Between those objects there is no necessary connexion. Equal distribution possesses an antiquity no less respectable than the Roman *cessio bonorum*, but that process did no more for the debtor than to protect him from incarceration. Liberation from debt is a modern addition, and still rather the exception than the rule, being in many countries refused altogether, in others granted only to traders, or with the consent of a certain proportion of the creditors, or subject to other restrictions.

By its own proper efficacy the law of a country can distribute among the creditors the entire property, movable or immovable, which may belong to the bankrupt within its territory; and discharge him at the same time from all debts, whether contracted within its territory or not, and whether due to foreigners or to subjects, at least so far as that no action shall afterwards be brought on them in its own courts: and all this it may do, whether the person so discharged be himself a subject or a foreigner. More than this it cannot do of itself: and the inquiry, what international recognition a bankrupt law receives, consequently includes two parts; namely, what assistance is extended to it by the law or courts of foreign countries in bringing property situate beyond its territory within the sweep of its equal distribution, and what value is attached by such law or courts to the discharges which it grants from debts. Farther, if any principles can be found on which a bankrupt law may claim international recognition, they must be general, and ought to be acknowledged in return by the country whose law claims such recognition, whenever the occasion arises for conceding similar privileges to foreign systems of bankruptcy within its own territory. The necessity however for this reciprocity is chiefly felt in that part of the operation of a bankrupt law which consists in securing and administering the property of the debtor. As far, for example, as the English bankrupt system may justly expect to reach the persons and property of Englishmen abroad, so far ought it to abstain from drawing foreigners and their property in England within its administration; else it must either deny to a foreign law such recognition as it expects for itself, or occasion conflicting claims to administer the estate of the same debtor. But that a debtor should be discharged in the courts of one country, while still exposed to suit in those of another, carries with it no absolute inconsistency, and gives rise, therefore, to no conflict: nor is much sympathy excited by the partial obligation which continues in such case to lie on the

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debtor, when even his partial liberation is more than he could claim as of right. We shall consequently find that, while considerable progress has been made in so adjusting the international recognition of bankrupt laws as to avoid competing claims to the collection and distribution of the estate, it scarcely seems to have been so much as thought of that a bankrupt law should only grant discharges in those cases in which they have a fair chance of being internationally recognised.

Next, before stating what is the actual amount of recognition already attained by bankrupt laws, I must premise that the term international is not, in its simple meaning, extensive enough to include all that is in this subject intended. The same rules which govern the relations of independent nations in matters of private right, are also presumptively applicable between different parts of the same nation possessing independent systems of law and jurisdiction —as between England and Scotland, or between either and any one of the British colonies, or between the several states which compose the American Union. Only presumptively however, because a common supreme authority, where such exists, may modify the rules, as of late years parliament has largely modified them between the different portions of the British empire, and as the constitution of the United States of America modifies them between the component states. Leaving, however, all such modifications to be noticed afterwards, so far as necessary, the general rules in the matter of collection and distribution are as follows:—

First, a bankrupt must be declared such in his domicile, or at least in the place or country where he has a house of business. If he be bankrupted anywhere else, as he may be in Scotland after forty days' presence in the country, though neither trading nor in the proper sense of the term resident there, such bankruptcy will have no effect in jurisdictions truly foreign, although it may be recognised in other jurisdictions subject to the same imperial legislature from which its own authority is derived. But when bankruptcy is declared in the domicile, by which term we may for shortness understand what is called a trade domicile as well as a personal residence, the rule is that all the movable or chattel property of the bankrupt, wherever situate, including debts wherever due to him, is brought under the administration; and in most continental countries his immovable property, or land, also. Land, in the British empire, is not suffered to be administered in a foreign bankruptcy, though chattel property is; but a British bankruptcy is allowed to affect land on the continent, notwithstanding the want of reciprocity in that respect. Moreover, all this being done by way of recognition of the foreign administration, there are not separate assignees, trustees, curators, or syndics, appointed in each country where any part of the estate may be found, not even as subordinate or assisting to those appointed in the domicile, but those appointed in the domicile collect the estate everywhere with full power, so far, at least, as under the foregoing rules it is brought within the administration

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at all, and cause its proceeds to be remitted for distribution at home. Lastly, in the United States of America, a very important deduction must, to say the least, be made from the application of all these rules. A foreign bankruptcy is not there held to preclude the diligence of individual creditors, but they can attach the bankrupt's property as well after as before it; and so also it is as between a bankruptcy in one of the states and individual diligence in others. Subject to this exception, the general rules were not by the older authorities denied. The foreign assignees could, in theory, collect any debts due to their bankrupt and still unpaid, or take from him any chattel property which might remain in him, though, as in the British Empire, not his land. But the exception, at best, nearly killed the rule. The news of the bankruptcy called up a swarm of attaching creditors, who seldom left anything for the foreign assignees to take. And now there is a growing tendency to limit the cases in which the title of foreign assignees will be respected by the American courts for any purpose.

Returning to the general rule, different technical explanations are given of the theory on which the recognition of foreign administration in bankruptcy proceeds. The most widely diffused is that an adjudication of bankruptcy is equivalent to a judgment recorded against the debtor in favour of all his creditors indiscriminately, and that the consequent proceedings of the assignees or syndics are the counterpart of an execution levied on such judgment, the assignees or syndics uniting in themselves all the rights of the several creditors to put the judgment in force on their individual accounts, and being in fact often styled attorneys for the creditors. But the analogy here relied on is insufficient to support the fabric based upon it. For instance, there is no country in which a foreign judgment can be put in force without some fresh preliminary proceeding being taken in it against the debtor. Either, as in England, an English judgment must be obtained against him in an action based upon the foreign judgment in which he was originally condemned, and then execution issues on the English judgment; or else, as on the Continent, the original foreign judgment must first be formally declared executory, as it is called—that is, entitled to receive execution. But no such preliminary proceeding is necessary in the case of a foreign bankruptcy. The syndics of a French bankrupt's estate can recover in England debts due to that estate, without first bringing any action against the bankrupt; and the assignees in an English bankruptcy can do the same in France, without first getting the bankruptcy declared executory there. Another technical explanation frequently given is that movable property is considered, by a legal fiction, to be attached to a man's person, and therefore to be always with him in his domicile, so that the bankrupt law of his domicile, having authority over his person and its surroundings, is competent to assign or make over his movable property for the benefit of his creditors, wherever it may really be situate. But this explanation, though it may to a considerable extent suit the British system, by which

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movable property alone is brought under a foreign administration in bankruptcy, will not suit the continental system, by which the foreign administration applies to land also, for no such legal fiction as that by which chattels are deemed to be attached to the person was ever devised for land. Nor will the explanation quite suit even that part of the English system by which a trade domicile, unaccompanied by personal residence in the same jurisdiction, is held a sufficient foundation for bringing a bankrupt's entire movable estate within the administration.

Before a mixed audience, among whom lawyers are perhaps the minority, I wish to treat the subject in a popular manner. But I could not omit to notice these technical explanations, insufficient as they are, because their very insufficiency occasions important reflections. Many rules of law have been adopted merely because the analogy of legal reasoning led to them, or because the symmetry of legal doctrines and institutions required them. But when no satisfactory technical account can be given of the origin of widespread and firmly established rules, a strong presumption arises that they have been adopted from a sense of practical exigency, or at least convenience. And accordingly, the less I am able to prove juristically why bankruptcies must be internationally recognised, the more does the conviction press on me that they are so recognised because it is felt that commercially they ought to be. And the rules which rest on such a foundation are in general the most enduring. When the history of law is scientifically studied, it is seen that of the rules which have been derived from analogy, or aim at symmetry, a few have been potent enough to mould society to themselves, while many are in such antagonism with society as to be the constant objects of attack. But rules which flow from the wants of society always tend to be extended in the direction which those wants indicate.

Now there may be two opinions as to whether it is desirable that, when once a man has become insolvent, his property should be applied to making a ratable dividend among his creditors. The ancient common law of England contained no such principle, and most of the United States of America acknowledge no such principle now. But there cannot be two opinions, where the principle is acknowledged, on the question whether the dividend should be made from the insolvent's whole property, or only from that part of it which may exist in his domicile. Diligence in creditors may be a merit, and systems of bankruptcy may be deleterious to commercial morality by discouraging it. I put that as a possible opinion, not as one which I hold, or which the Association is likely to hold. But opportunity cannot be a merit; and therefore, when we ratably divide a bankrupt's home property, it must be absurd to leave his foreign property as the prize of such of his creditors as have foreign connexions, or are able to afford expensive foreign agencies, through which they may earliest discover it and enforce payment out of it. From this absurdity civilized nations are free, as regards foreign movable property; but it is not yet quite so as to land, the

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general rules, as I have already explained them to exist in British and American jurisprudence, refusing to a foreign bankruptcy any operation upon land. In the United Kingdom this exception was formerly of serious importance; an English bankruptcy could not affect heritable estate in Scotland, nor a Scotch one English real estate, and so forth. But by the Bankrupt Law Consolidation Act, 1849, s. 142, the assignees in an English bankruptcy take the bankrupt's real estate throughout the British dominions, as well home as colonial; and a similar extent was given to the operation of Scotch sequestrations by the Bankruptcy (Scotland) Act, 1856, s. 102; and to that of Irish proceedings by the Irish Bankrupt and Insolvent Act, 1857, s. 268. Except in India, where they rest on an imperial statute to that effect, bankruptcies in the British dependencies do not even yet comprise land beyond their respective jurisdictions; but we shall presently see that the case has been provided for by establishing a system of concurrent local bankruptcies in which such land may be administered. Finally, no provision has yet been made by parliament for bringing British real estate within the operation of a strictly foreign bankruptcy; but as neither the English nor Scotch law permits aliens to hold land, the case for such an operation could only arise if a British subject, resident or trading in some foreign country, should there be adjudged bankrupt, and would not be very common. We may therefore conclude, on the whole, that a bankrupt's land, wherever situate, is now brought under the principle of ratable division nearly to the same extent as his chattels.

But to recognise the necessity that the principle of ratable distribution, when once adopted, shall be consistently carried out, does not involve an approval of the plan of unity of administration, on which the existing general rules proceed, as providing the best machinery for carrying it out. To explain: the ratable distribution of a bankrupt's effects, wherever situate, may be effected in either of two ways. The whole may be collected and distributed by the assignees or syndics appointed in the bankrupt's domicile, which I call the system of unity of administration, and which, as we have seen, is the method sanctioned by the general rules; or the bankruptcy in the domicile may be, as it were, the signal for concurrent bankruptcies in all other jurisdictions where any part of the estate may be situate, each collecting and ratably distributing the effects within its province. The actual sanction of the former method is not due to any theoretical preference, but merely to the fact that from technical causes, which it is unnecessary here to detail, it was the only method possible for courts of justice to adopt without legislative assistance, and therefore inevitable so long as the courts of different countries were left, as they mostly have been, to work out by their own unaided efforts a system of international justice in matters of private right. So far indeed is the system of unity of administration from having commanded a theoretical preference, that several of the attempts, which the British parliament has made to regulate by enactment the mutual

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relations of the component portions of the empire with regard to bankruptcies taking place in any one of them, have been in the direction of establishing concurrent administrations.

The first of these was made by the Act of 1848, before alluded to, 11 & 12 Vict. c. 21, for consolidating and amending the laws relating to insolvent debtors in India, in connexion with the 75th section of the Bankrupt Law Consolidation Act, 1849. The combined effects of these enactments was that, on the occurrence of an Indian insolvency, the whole real and personal estate of the debtor throughout the British dominions should vest in the assignees; but that, if the debtor was a person liable to become bankrupt in England, any creditor should be at liberty, within a certain time, to avail himself of the Indian adjudication of insolvency by obtaining thereupon an adjudication of bankruptcy in England, which should draw to itself the administration of all the real and personal estate not already administered, as well in England as in all other parts of the British dominions except India, leaving to the Indian assignees only the Indian estate, and such parts of the estate out of India as they might have previously taken actual possession of.

The Bankruptcy Act passed in the last session, 24 & 25 Vict. c. 134, has given to individual creditors a similar power of obtaining an English adjudication of bankruptcy, against any person otherwise subject thereto, on the strength of an adjudication of bankruptcy or insolvency in any of Her Majesty's dominions, colonies, or dependencies. And on the same principles, an adjudication of bankruptcy in England or Ireland is made to constitute notour bankruptcy in Scotland, by s. 7 of the Act of 1856; while the occurrence of an Indian insolvency, or the filing a petition of insolvency in England or Scotland, was made an act of bankruptcy in Ireland by ss. 100 & 101 of the Act of 1857. In none of these cases, and the omission is a grave one, does the imperial statute fix the mutual limits of operation of the second proceeding and the previous one which shall have occasioned it. It may however be presumed that where such previous proceeding is a colonial one, their limits were meant to be arranged as provided for Indian insolvencies by the Act already referred to; but that where it is English, Irish, or Scotch, the proportions should be revised, and the first bankruptcy having already, as we have seen, a parliamentary title to the whole estate throughout the British Empire, should continue to carry all the estate foreign to the territory of either, the second being confined within its own territorial limits.

It will be observed that, so far, the case contemplated is that of a person subject to the bankrupt laws of two British jurisdictions: therefore, either of one resident or trading in both, or, at least, resident or trading in one of such jurisdictions and happening to be imprisoned for debt in the other of them. But the late English act does not stop there, though it is within these limits that it confines the power of individual creditors to call for a concurrent bankruptcy.

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In the case of any Indian or colonial bankruptcy or insolvency, the act enables the assignee, trustee, or other representative of the creditors, to obtain adjudication in England, Scotland, Ireland, and all colonies and foreign possessions of the crown, for the administration of such parts of the estate as may be therein respectively situate.

In this state of things it is evident that our present legislation is quite imperfect. It provides the full advantages neither of the system of unity of administration, nor of that of concurrent bankruptcies, but includes some of the disadvantages of both. The former presents, perhaps, some economy to the estate in having but one set of assignees, though against the saving of official fees must be set the expense of agency when the assignees of the domicile have to administer assets at a distance. But then the creditors who reside out of the forum of the bankruptcy have to prove their debts at a distance, often at a considerable expense, and are practically debarred from any control over the estate. The law under which the bankruptcy is worked out may give the management to assignees elected by the creditors, but they must vote by proxy for some one of whom they know nothing, even if their proxies arrive in time to be used at all.

Thus, by the course of trade between England and many of her colonies, the distributable assets of a trader in the colony are often chiefly to be found in the colony, consisting of such produce, or bills on England, as he has purchased, but not specifically appropriated; the produce or bills actually despatched to England being, in the case of a colonial firm in difficulties, very generally the subject of liens which take them out of the mass. The debts, however, will generally be owing in this country, to those who have furnished the British manufactured goods which have been exported to the colony. Consequently, under the system of unity of administration, the chief creditors cannot touch even those effects which are here under their own eyes, till they have sent out proxies, perhaps to Australia, to vote for some assignee of whom they know nothing, and whose first step is often to get involved in disputes with them about the liens which they assert, which disputes are of course much more difficult to settle amicably than if they arose between parties in the same country who could meet and arrange them. On the other hand, if assignees were appointed in every jurisdiction where any part of the estate was to be found, to collect and divide it, provision might be made for every creditor's proving his debt in any jurisdiction he pleased, and for such proofs and the accounts of the estate being interchanged by the different courts; so that, when the whole forthcoming dividend was ascertained, it might, as far as possible, be paid to the creditors residing in any country out of the effects there situate, and thus the expense of remittance be saved, while the assets in each jurisdiction could be placed under the immediate and efficacious control of the creditors there residing.

There are evidently advantages on both sides, chiefly, in my

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opinion, on that of concurrent bankruptcies. But the system established for the British empire, by the statute of this year, is one of concurrent bankruptcies, without provision for the interchange of proofs and accounts, so that every creditor will have to prove in each, and receive a separate dividend in each, as if the whole estate were there. And the concurrent bankruptcies so established are, unless action be taken by the assignee, who may have his own motives for desiring to retain as much of the collection as possible, only two—one for the colony where the bankrupt may have traded, the other for all other parts of the British dominions; so that the effects at Melbourne, for instance, will only be exempted from administration at Sydney to be put under an administration seated in London. And lastly, the option of whatever advantage there may be in such concurrent administrations is given to the British creditor of a colonial bankrupt, but not to the colonial creditor of a British bankrupt.

As to the international recognition of the bankrupt's discharge, the general rule, according to the jurisprudence of the British dominions and Anglo-American States, among which are comprised most of the jurisdictions in which such discharges are granted, is in favour of such recognition when the debt discharged was contracted in the same jurisdiction from which the discharge emanates, and perhaps also when the creditor as well as the bankrupt is a domiciled subject of the discharging law. As between the different British dominions, the general rule is extended by the doctrine that a discharge under an imperial act of parliament is of universal validity. Thus, a colonial discharge will not bar in England the recovery of a debt which was not contracted in the same colony in which the debtor afterwards became bankrupt, unless perhaps the creditor was domiciled in that colony at the time when the discharge was given. But an English discharge will bar the recovery in Scotland of a debt contracted in Scotland, even to a Scotch creditor, and *vice versâ*, because both the English and Scotch systems of bankruptcy rest on imperial statutes. On the other hand, as between the different states which compose the American Union, the general rule is restricted by that interpretation of the federal constitution which pronounces discharges in bankruptcy to be prohibited by it, or at least to be reserved to the federal power; so that even when the debt has been contracted in the same state which afterwards granted the discharge, the discharge will not be recognised in any other state unless the creditor as well as the debtor was a citizen of the discharging state at the date of the latter's application under its insolvent law, in which case it is held that the federal constitution cannot interfere between them.

This condition of the subject presents striking inconveniences. It prevents the honest debtor from completely shaking off the burden of debts contracted in jurisdictions other than that in which he resides, because it is only in the country of his residence that he can become bankrupt, at least with any extra-territorial effect at all;

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and a discharge granted in that country will not, out of it, be held to free him from debts contracted elsewhere. The *Upper Canada Law Journal* of last month (July, 1861) remarks, on *Bartley* v. *Hodges*, 4 *Law Times*, N.S., 445, which lays down the law as I have stated it:—"When we consider that colonial merchants are in general more or less indebted to English houses, the importance of this decision cannot be overrated. The effect of it may be to render necessary an imperial bankruptcy or insolvency law." And, what is of still more importance, the principle of equal distribution becomes illusory if the distribution is not to be final as regards all the creditors alike, but some are to retain an exceptional privilege of getting payment out of the property which the bankrupt may acquire after obtaining his certificate.

Before these broad considerations of equity, any arguments drawn from juristic analogy or symmetry must fall weak. But the arguments of this kind on which the rule in question is founded are not in themselves strong. It is said that an obligation can only be dissolved by the same law which created it, that is, by the law of the place of contract; for it was with reference to the contents of that law and of no other that the parties contracted. But that there is no radical want of equity in discharging an obligation contracted under a foreign law is confessed by all those legal systems which grant discharges to bankrupts at all, since none of them abstains from giving such an effect to its own discharge, though refusing to admit the similar effect of a foreign discharge. Indeed, as between those countries where bankrupt discharges are granted, the assumption that men contract with reference to the laws of the place of contract on this subject is untrue in fact: merchants of such countries contract with the knowledge that each trader's own domicile is the proper forum for his bankruptcy, and that there, if anywhere, he must be discharged. As between the citizens of states which do not grant discharges to bankrupts, the assumption may be often true, but must then be understood of the laws existing in the place and at the time of contract, which is more than is intended by the argument, since our authorities do not dispute the extra-territorial effect of a discharge granted in the place of contract under a bankrupt law enacted subsequently to the date of the contract.

In conclusion, I must express the hope that the day may come when the legislation of all civilized countries on bankruptcy may accord, and when foreign and domestic creditors may be placed in all on an equal footing. The merchant will then know what remedies he has to trust to in case of his foreign correspondent's failure: he will be freed from the pain and scandal of seeing a creditor on the spot sweep off the assets by preferences given in the last moments of insolvency, or by privileges denied to himself as a foreigner: and the important influence of good bankrupt laws in maintaining a high tone of commercial morality will be promoted by their speaking with a unanimous voice throughout the world, and not leaving to any country the example of neighbours among whom a vicious practice

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is upheld, or treated more leniently than the interests of the fair trader can well permit. But in the meantime, while still submitting to a diversity of laws, it is important that the limits of their respective application, and the arrangements to be made for easing their mutual contact, should be well considered. To contribute towards this end has been my object in the present paper, which I will conclude with some immediate practical suggestions:—

That on the occurrence of a foreign bankruptcy, the real or immovable estate of the bankrupt in the British empire should be brought under ratable distribution, as well as his personal or movable estate there.

That the true ground for the international recognition of discharges in bankruptcy is the authority of the debtor's domicile, so that such discharges there granted should, in those countries which respect them at all, be treated as good releases of all debts; and

That it is an important question, worthy the consideration of the Association, whether, when a bankruptcy shows debts and assets in different jurisdictions, there should be a single administration of the whole estate in the debtor's domicile, or concurrent administrations in each jurisdiction where assets may exist, so combined as to furnish one ratable distribution of the whole estate; but that the recent imperial legislation on the subject, as affecting the component jurisdictions of the British empire, unites many of the disadvantages of both systems without the advantages of either.

TRADE AND INTERNATIONAL LAW.

President.

M. Michel Chevalier.

Vice-Presidents.

The Solicitor-General for Ireland | W. S. Lindsay, Esq., M.P.
The President of the Dublin Chamber of Commerce.

Secretaries.	Local Secretaries.
Thomas Baines, Esq.	Charles E. Bagot, Esq.
John Westlake, Esq.	Professor O'Hagan.

The Department was established at the Glasgow Meeting, 1860, for the consideration, by representatives of all nations, of questions of International Law, and for the collection of information relating to production, manufacture, and trade.

SUMMARY OF PROCEEDINGS.

In addition to the papers printed in the foregoing pages, the following were read to the Department:—

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"Belligerent Rights at Sea." By J. T. Danson.
"Irish Agricultural Exports." By J. Fisher.
"Patents viewed Internationally." By R. A. Macfie.
"On the Causes why Manufactures do not succeed in Ireland." By A. Armstrong.

THE RIGHTS OF ALIENS.

On August 15th the President, M. Chevalier, introduced the subject of the right of aliens to hold real estate, and advocated the justice and policy of admitting them to that right. Nations were as yet enemies to one another. It was to be hoped the time would come when they would be friends. In France aliens were under no restrictions with respect to landed property. Unfortunately there was a heavy impost on the purchase of land, but it was the same for all, and the country had gained by the influx of foreigners.

Professor KATCHENOWSKY supported the views of the President. The Empress Catherine gave foreigners the right of holding land in Russia, but they did not thereby acquire political rights. That restriction was just. A country should not be governed by strangers, but aliens should be allowed to hold real property before being naturalized as a means of imbuing them with the feelings of the country, and thereby fitting them for naturalization.

Several other members having taken the same view,

The SOLICITOR-GENERAL observed that there was no doubt that the disability of foreigners to hold real property, which still subsisted in this country, was a relic of feudalism which ought to be got rid of. The old feudal doctrine was that every landowner held directly from the Sovereign, and that therefore a stranger could not hold. The reason of the disability had passed away, and there was no longer any necessity for the cumbrous ceremony of letters of naturalization. We allow an alien to become a fundholder, and therefore a creditor of the country—why should we not allow him to hold land? That privilege could be allowed quite irrespective of any political privilege or right of interfering in the government. An alien now lay under a double inability to vote, and that which arose from alienage would remain, though that which arose from the incapacity to hold land should be removed. As it was desirable to call public attention to the subject, and as he perceived the Section to be almost unanimous in opinion, he would move—"That in the opinion of this Department the acquisition of land as well as of all other property should be freely permitted to foreigners, apart from all question of the enjoyment of political rights."

Mr. MALCOMSON seconded the resolution, which was put and unanimously adopted; the President observing that the indirect political influence which some feared would flow from the ownership of land was not greater than that which is conferred by funded property.

INTERNATIONAL UNIFORMITY OF WEIGHTS, MEASURES, AND COINS.

M. CHEVALIER next introduced the "Necessity of an Universal System of Weights, Measures, and Coinage." He said:—My reason for introducing the subject is, that it is a consequence, or, as geometricians would say, a corollary, of the policy of free trade. It is necessary, as a commercial foundation for buying and selling, that nations should speak the same commercial language, in order that people may know what they sell and what they buy. The question arose many centuries ago, before the free trade policy was destined to succeed. It arose, perhaps, in the sixteenth century in France, and many a chapter was written on the subject, but the doctrine was matured at the time of our revolution, when it was found that a variety in weights and measures was a great difficulty in the interior of each state, and that it was also a great difficulty in international trading. In 1790 our constituent assembly told the king that he should make proposals to all Europe, and to England in particular, to agree upon a universal system. Unfortunately, war broke out two years after; still, the undertaking was pursued, and a new system was slowly and by degrees brought

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into operation in France. It has been put into operation in some other states, so that at the present moment this idea of a new system of weights and measures has been carried out in perhaps a dozen states—that is to say, in France, Spain, Portugal, Greece, Belgium, Italy, the Netherlands, and some two or three of the republics of South America. The question arises now what is to be done, seeing that the free trade policy is gaining so much ground as to be likely to become an universal policy. The safest course, in my opinion, would be to declare that it is expedient for the whole commercial world that a universal system of weights, measures, and coinage, be adopted, leaving it to the Governments to decide as to the best system. I confess I am of opinion that the French system would be found the best, it having been adopted after mature deliberation, and with the concurrence of three or four nations, and found useful in practice by the half-dozen states which have already adopted it. I think it safer, however, not to have a resolution in favour of any particular system. The best system will find its way by its own merits when once the idea of uniformity shall have been promulgated among civilized nations. At our last universal exhibition at Paris, a society for the purpose of promoting this measure was formed of commissioners from every country which sends merchandise to France. That society has published its resolutions in England, so that at the present moment there has been a good preparation for the work. I think it proper, therefore, to invite attention to the subject.

Professor Hennessy said that, in this question, they had not to consider so much the utility of the subject to which the President referred, because it appeared absolutely not in dispute, but the problem was how uniformity was to be effected. The most important obstacle was the settlement of a standard between the two countries. That has been the object of the International Association in England, who have hit upon such a measure as will probably meet the wants of the world at large. The measure that appeared most suitable was the metre and its divisions; for the metre is absolutely a fraction of the meridian of the earth. But great objections were entertained by many to the metrical system, as being French; and it was desirable to obviate these as far as possible, by putting forward a new standard which should be essentially and truly cosmopolitan.

Judge Corr-Vandermæren said Belgium had adopted the French system some sixty years ago, and had no complaint to make on the subject. It was evident it was the system for universal adoption. He was surprised that a country like England should not have long ago looked into the question. The best way to begin the question practically would be to teach the children on their benches in the school. People brought up under the decimal system could hardly comprehend that such a complicated one as is in use in England could ever be carried out. He hoped this subject would be taken up in a warmer way than it had been hitherto. He was quite surprised, during the meeting of the Statistical Congress in London, that the question was not better taken up. He would support the resolution brought forward by the President.

M. Ernest Desmarest suggested that the Association should have organs and newspapers to point out the advantages of a universal system, and also that Government and the people should be invited to endeavour to procure an international law which might be able to effect the desired object. He considered that this Association should endeavour to take some step in advance on the subject.

Judge Corr-Vandermæren proposed the following resolution:—"That the Department cordially concurs with the President in the great advantages that would arise from the adoption of a uniform and decimal system of weights, measures, and coins, for all nations."

Professor Hennessy seconded the resolution, which was adopted unanimously.

LINEN TRADE OF IRELAND.

In the discussion on Mr. Herdman's paper, which is printed at p. 693,

Mr. Webster observed that the greater any improvement in manufactures

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was, the greater was the difficulty of introducing it, because the more capital was displaced. The growth of flax was a manufacture, and nothing but the stimulus of competition which free trade would furnish would sufficiently improve it in Ireland.

Mr. Fisher detailed experiments he had made as a cultivator of flax in the south of Ireland, which had resulted in a serious loss to him.

Mr. Marsh said he had seen extensive districts in Australia, and particularly in Queensland, blue with the flower of wild flax. It would be well to cultivate the plant there, the climate and soil being thus evidently suitable.

Dr. Hancock considered that the cultivation of flax in the south and west of Ireland had been superseded by the production of cattle. It was also a manufacture, and one which required skilled labour. The north of Ireland had a very different climate from the south; and the most marked change in climate took place just where the extensive cultivation of flax began. This fact might be connected with the fact that flax was grown far north in Russia. Power-looms were supplanting, and would supplant, hand-looms in the Irish flax manufacture. Forty-two per cent. of the Irish export of linen had been to the United States of America. The export to the States during 1860 had, however, begun to fall off from the commencement of the civil discord at the close of the year; and by June, 1861, it had been almost annihilated. There had been an enormous increase in the export to France since the treaty, and an increase in the export to other European countries had also been caused by it. On the whole the export had increased —the European increase having more than counterbalanced the American decrease.

Mr. Herdman, in his reply, stated that the home trade consumed as much flax as the total of the export trade, and rather more. The linen trade of Great Britain and Ireland represented £14,000,000, of which they exported on an average £6,000,000 or £6,500,000. The French market consumed £12,500,000 worth of linen fabrics every year, so that we could easily afford to lose the American trade. He thought the south of Ireland might grow a hundred thousand acres of flax with advantage.

It was resolved, on the motion of Mr. Webster—"That this Department recommends to the Council of the Association to take such steps as it may think expedient, to ascertain whether the fibre of flax grown in the south of Ireland is inferior in quantity or quality to the fibre of flax grown in the north; and whether the south presents any and what disadvantages as compared with the north for the production and manufacture of flax."

IRISH FISHERIES.

In the discussion on the papers of Mr. Joynt and Mr. Andrews printed at pp. 709—720,

The Solicitor-General observed that the deep sea fishing might be left to take care of itself. They all knew the miserable results of giving bounties to trade; in England it had been a positive injury, and he was glad it had been discontinued. It was quite immaterial whether this deep sea fishing was carried on by Irish or English boats. If Irishmen did not engage in it, it was because their capital was better employed otherwise. As to the salmon fishery, the proprietors on the lower parts of the rivers had two natural advantages over those on the upper, that they had the first chance, and caught the fish in the finest condition. Of these the law ought not to attempt to deprive them. The commercial, and not the sporting aspect of the inland fishery ought to be considered. It could not be carried on without large boats and a great deal of capital, and he agreed with Mr. Joynt that the more effective the machines for taking fish the more productive would be the fishery. He trusted that the law would take up the matter in a manner which would give satisfaction to all.

Mr. Malcomson trusted that the fisheries would be remunerative enough at some future time to induce the Irish to remain in the country. He did not expect much from Government patronage; but the Government might facilitate the

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construction of small harbours of refuge for the fishermen adjoining the coast. He thought, if parties would form themselves into fishing societies, poor men would be better able to provide nets and fishing tackle for carrying on their trade.

Dr. FRASER, and Mr. ANDREWS in his reply, noticed the frequent improper exclusion of trawlers from bays, sometimes without reason assigned, but grounded, in fact, on a quite mistaken apprehension that spawn was destroyed. The Commissioners, on the representation of some farmers, had thus closed a successful fishery in Dargle Bay, many of the men employed in which were consequently forced to emigrate.

THE SUPPLY OF COTTON.

In the discussion on Mr. M'Leod's paper, which is printed at p. 721,

Professor SHAW mentioned the fact that a rise of 1*d.* per lb. in cotton caused a market expenditure on the part of the English manufacturers of £5,000,000. He considered the slave trade the necessary consequence of slavery, and he thought the only way of abolishing the slave trade was to abolish slavery. In the mean time he recommended the establishment of consulates in Africa at the most favourable points on the coast, as centres of British dominion, with power to suppress the sale of slaves. The paper referred to the subvention of native chiefs in order to put down the slave trade. But he (Mr. Shaw) did not like such a measure, as, if it were carried out, many chiefs who had not hitherto engaged in the slave trade would do so for the purpose of obtaining a large subvention. With reference to the importation of coolies into those districts, he looked upon that with dislike, and those parts of Africa where coolie labour would be required he would leave alone.

Mr. MARSH, being well acquainted with Queensland, could testify that its soil and climate were admirably suited for the production of the best Sea-island cotton, some of the cotton grown there having brought 2*s.* per pound in the English market.

Mr. BAZLEY, M.P., bore him out in the high value he placed upon cotton from Queensland.

Mr. M'LEOD replied. He stated the proceedings contemplated by the African Aid Society, who encouraged the negroes now resident in Canada to settle on the African coast under the protection and countenance of the English consuls and missionaries. The free black, returning to the land of his fathers, with his one wife, would give the greatest blow to the polygamy and slavery of Africa, which were the two greatest obstacles in the way of commerce and civilization. The subvention of the chiefs was successful in abolishing the slave trade in Madagascar. The chiefs derived their revenue from the slave trade. They said if they were enabled to pay their people and maintain their state without the slave trade they would do so, and they had kept their word. The subvention should, of course, be paid under proper precautions, and only on condition of their producing a certain quantity of cotton per annum in return. He was formerly opposed to the importation of coolies; but having carefully examined into the working of the system in the Mauritius, he had changed his mind, and was ready to admit that it was beneficial in every respect.

Mr. BAZLEY, in replying after the discussion on his paper, printed at p. 727, said that the difficulty of getting cotton from India was so great as to be scarcely appreciated. Twenty years ago the Chamber of Commerce of Manchester represented to Government that we were depending on one source of supply, and neglecting others which might be easily rendered available. Cotton had been grown in India for 3000 years. The chief field of its cultivation at present was Berar; but to bring a single week's supply from the interior of India to the sea coast would require 80,000 bullocks; and in order to convey the entire supply required by the manufacturers, more bullocks would be necessary than there are inhabitants in Ireland. He was himself extensively engaged in cotton spinning, and had his agent in Charleston. His cotton was laid down in his warehouse at

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a cost of 12½ per cent. in excess of the price paid to the American planter; whereas to bring cotton from Berar would cost 200 per cent. on the price paid to the ryots. This was owing to the difficulty of transport. All the Chambers of Commerce asked of the Government was, to remove those obstructions to traffic. It could not be expected that the manufacturers of Lancashire should direct their capital and energies to the accomplishment of that object. There was an unbounded market for cotton in Lancashire, and the manufacturers there called on the world to produce the cotton, saying they would pay for it; but the policy of the Government had not been to call into existence in India a great, free, and enlightened community, like the middle classes here, who made their own railroads and canals. Government was responsible for that lack of means of communication in India which he now unhesitatingly condemned. Fourteen years ago he made representations on that point to Lord Dalhousie, to which attention was promised; and he believed that, but for the unfortunate ambition which had directed that nobleman to the object of increasing our territories in India, we might now have a large supply of cotton from the British East Indies. The finest and most beautiful cotton he had ever worked was brought from Australia. The yarn manufactured from it was so beautiful that the Australians placed it under the same glass case with their largest nugget, at the Paris Exhibition of 1855. He had been informed by gentlemen that articles of cotton dress, which they obtained in India, of native manufacture, outlasted the article manufactured in America, and he believed that by improved irrigation and cultivation, Indian cotton could be raised and supplied with the greatest advantage.

GENERAL AVERAGE.

A discussion took place on the papers of Mr. Baily and Mr. Lowndes, printed at pp. 733—747.

Mr. Vernon Lushington entered into a consideration of the principle of general average expenses. They were "extraordinary expenses judiciously incurred during the voyage for the common benefit of ship, freight, and cargo." It was an error to think that the boundaries of general average expenses could be determined by inference from the terms of the bill of lading, which expressed the ship's owner's obligation to carry safely to the port of destination; for the custom of general average was an incident annexed to the contract and controlled the expressed terms.

At present, custom, which varied in different countries, determined what were in each case the limits of the shipowner's right and obligation. This custom was, in his opinion, founded not so much on equity as on public policy; for by merely varying the terms of freight, an equitable contract between shipowner and shipper might be conceived excluding general average altogether—either by making the shipowner an absolute insurer of the goods, or by making the shippers solely liable for all extraordinary expenses now general average. As a fact there had existed for a very long time (a strong proof of its public policy) a system of general contribution for certain extraordinary expenses, thus qualifying the shipowner's general obligation. The object aimed at was to establish such a contract as to secure as far as possible the successful transit of goods from place to place, by giving reasonable inducement to the master of the ship, who had the control of the adventure, to take all proper measures on occasions of emergency:—at the same time guarding against frauds. It was important to bear this object clearly in mind in weighing the several customs now in operation, and in considering what expenses the law should define as general average.

1st. As to what was "for the common benefit," which all agreed was a necessary condition for a general average expenditure. It had been the habit, especially in English practice, to take too narrow and rigid a view of this: in his opinion, fair inference from the contract of carriage required that cargo should always by regarded as intended by the owner to be forwarded to the destination agreed upon, and that the shipowner (even apart from his interest in freight) had an interest in the ship proceeding thither likewise; in short, that every expense necessary for the accomplishment of the voyage should be considered as for the

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common interest of ship, freight, and cargo. If this was correct, the English practice of apportioning re-shipping and outward port charges at a port of refuge to freight alone was unjustifiable.

2ndly. What expenses were extraordinary? It had been argued that the presence of an impending danger to the common interest was necessary to constitute an expenditure extraordinary and bring it within general average. But there was no reason for requiring a common impending danger as in the case of a general average sacrifice, for it was the danger and nothing but the danger that could warrant a deliberate sacrifice, but expenses might be reasonable and judicious and for the common interest, and withal extraordinary, though there was no immediate danger. What was an extraordinary expenditure was determinable on other grounds; the only danger needed was the peril (which was, in fact, a certainty) that but for the measures adopted the voyage could not be accomplished; and this was necessary only to satisfy the condition "for the common benefit." What was an extraordinary expenditure was in fact determined by custom founded on public policy; where the particular custom varied or was questionable, we ought to revert to the public policy on which the general custom was founded, applying at the same time in a liberal spirit the ordinary canons of law as to consequential acts. To take the disputed case of expenses at a port of refuge. It was generally admitted that putting into a port of refuge out of a necessity, howsoever caused, was an extraordinary measure; and inward port charges were always allowed as general average. Now, if putting into port was an extraordinary measure, it might reasonably be inferred that all expenses there incurred till the resumption of the voyage in the ordinary course were likewise extraordinary. Taking as we ought the inception of the voyage as our point of view, or viewing the voyage as a whole, they were "extraordinary." Or again, the subsequent measures of unloading, repairing, re-shipping, &c., might be considered as dependent on the act of putting into port, and therefore partaking of the same nature; as in the case of consequential damages expenses reasonably though voluntarily incurred in consequence of the original act were deemed consequential thereon; and it was reasonable to connect the after measures at the port of refuge not with the original damage, but with the later act of putting into port, the nature of which was determined. Admitting them to be "extraordinary" measures, they were all necessary for the accomplishment of the voyage, and in the liberal sense above mentioned, for the common benefit; they were also clearly expenses within the general policy of the custom. On principle, therefore, all expenses at the port of refuge, including warehouse rent of cargo, re-shipping expenses, outward port charges, even repairs of ship, wages, and provisions, were general average. But here another point of public policy might intervene; and as the shipowner's servant, the master, had the entire control of affairs, it might well exclude certain expenses which were on principle general average, in order to prevent the master from fraudulently making for a port of refuge with a view to throw on cargo expenses which otherwise his principal would have to defray alone. On this ground it would be reasonable, if not to exclude expenses of repairs of ship, wages, and provisions, at any rate to consider whether they should not be excluded.

Public policy having determined the limits of the shipowner's obligation, and that certain expenses should be contributed for in common; the method of contribution was then to be determined on grounds of equity. For here besides the relation of shipowner and shipper under the contract of carriage, was now introduced a new relation wholly equitable, the relation of shippers *inter se*. This relation required that all expenses to be contributed for by cargo should be equitably apportioned amongst the several shippers; and it was convenient that the same law of contribution should prevail between shipper and shipowner as between shipper and shipper. Without discussing the question further, it seemed to him reasonable that the law of contribution in the case of general average expenses should, as far as practicable, be assimilated to that in the case of general average sacrifices, as was suggested in the Glasgow Conference: viz., by a settlement in the first resort, upon the values saved at the end of the adventure.

Mr. Malcomson said that great frauds were practised by the masters of ships, against which some care might be taken.

Mr. W. H. Jones (of Liverpool) said the present system of varying customs

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was unsatisfactory, and the British shipowner suffered, as foreign systems of adjustment were more liberal. The English system, he thought, should be amended in favour of the shipowner; but above all what was needed, especially because of the abolition of the navigation laws, was one uniform system used by all nations.

Mr. WALSH (Lloyds' agent at Dublin) said that care should be taken not to introduce any provisions which would assist masters of ships in defrauding merchants and owners of cargo. The ship was frequently of far less value than the cargo, and the entire control was in the master's hands.

Mr. LOWNDES replied—Granting that in some sense the expenses of coming out of a port were the result of going in, the difficulty was to say in what sense this was so, different from the sense in which the going into port was the result of the damage to the ship which led to it. The principle of general average was to look to the immediate motive only. Abolish this, and the expenses of going in after accidental damage were not general average; adhere to it, and the outward port charges must be charged to the freight solely, because that interest alone constituted the immediate motive for coming out.

BELLIGERENT RIGHTS AT SEA.

Besides the paper of Professor O'Hagan, printed at p. 748, another on this subject, by Mr. Danson, who intended to have been present as a delegate from the Liverpool Chamber of Commerce, was, in his unavoidable absence, read by one of the Secretaries.

Mr. DANSON considered the causes why so little progress had been made during the past five years in promoting the immunity of private property from hostile capture, and discovered them in the course which had been taken by the discussion. For this purpose he reviewed the arguments used by the merchant, the statesman, and the promoter of social science respectively. The mercantile view of the subject, he concluded, was still very generally deficient in breadth, and could not safely be adopted without careful consideration of much which it did not yet comprise. The statesman was justified in hesitating while the probable effects of the immunity proposed remained so uncertain. The promoter of social science sympathized with the motives of each of the others, and saw farther than either, but was less alive than either to the difficulties of the ground over which any advance would have to be made. Lastly, any argument drawn from a supposed British interest in the immunity proposed was inappropriate, as it would only hinder its adoption by foreign nations. But the writer deprecated the opinion that, in urging a just consideration of views other than those of the mercantile body, he would in any degree detract from the force of the arguments urged by that body. Certainly the Liverpool Chamber would cordially co-operate in any practicable scheme, however limited by just considerations of expediency, for attaining the object which all had at heart.

In the discussion which ensued, Mr. MACFIE, also a delegate from the Liverpool Chamber of Commerce, read the following resolution, which was passed on July 26th, 1861, by the Committee of that body, on commercial law, and adopted by the Council of the same body on August 12th:—

"Resolved, that this Committee is of opinion that, in the interest

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of all countries, and especially of Great Britain, it is desirable that the freedom from seizure which, by the treaty of Paris, has been given to merchandise carried by neutral flags, shall be extended to all private property at sea; and this Committee would recommend the Council to send a deputation to support this view at the meeting of the Social Science Association at Dublin, and to carry it out by any other means which the Council may consider necessary."

Mr. Macfie supported the views expressed in the above resolution, and Mr. W. H. Jones, Professor Katchenowsky, Mr. Bagot, Mr. Westlake, Mr. W. S. Lindsay, M.P., and M. Chevalier, all spoke in the same sense.

A resolution proposed by Mr. Lindsay was then unanimously adopted:—

"That in the opinion of this Department, it is most desirable that the principles laid down by the Congress of Paris in 1856, with respect to maritime warfare, should be extended to the length of exempting the private property of the citizens of belligerent nations, not being contraband of war, from capture at sea."

The following letter was addressed by Mr. W. B. Lawrence, of Rhode Island, who at one time conducted the business of the United States' embassy to this country, and is well known by his writings on public law, to Mr. Westlake, the Secretary of this Department, but was not received in time to be read at the discussion:—

Ochre Point, Newport, R. I., July 28, 1861.

My dear Sir,—When I looked on the programme of the International Department of your Association, I selected from the topics of discussion that of "Rights of Belligerents over Private Property at Sea." The position in which every American now finds himself, and which compels him to view all questions of public law not in their strictly international relations, but as connected with the existence of civil war, may well embarrass every attempt at free discussion. However any individual may endeavour to hold himself aloof from the popular excitement, and though he may not see in the alleged causes which divide his countrymen any apology for the sacrifices of blood and treasure to which the two sections are madly subjecting each other, it is not during a fratricidal strife that we are to look for any practical efforts towards carrying out the policy so happily inaugurated during your late war with Russia, making war a contest between state and state, and exempting, as far as practicable, from its evils all the population not directly connected with the belligerent operations. Appreciating, as I do, the considerations which have led the Governments of Europe to a declared neutrality in our pending domestic contest, as well as the advantage which the United States practically derive from a course, which, instead of leaving their ports (as without any violation of international obligations they might have done) open to the prizes of both parties, excludes both, I shall, in any remarks that I may make on the proposed subject of discussion, endeavour to avoid all reference to the calamitous condition of our political affairs.

So far had the idea been carried, that by the very existence of war the people of two nations become individually enemies, that all contracts between them were deemed to be *ipso facto* dissolved. So late as the war of 1812 it was for the first time, as far as my recollections extend, judicially expounded, that a commercial partnership was thus terminated. The case was decided in the New York Court of Errors, the American commentator, Chancellor Kent, giving the controlling opinion. While both parties declared the right of a state to confiscate the private property of enemies found in the country, the only difference between the American and English Courts was, that the former deemed a legislative act

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necessary for the purpose, while the seizing of all ships in port at the commencement of hostilities was regarded by the latter as a royal prerogative. The rule by which debts are suspended during the war, reviving at peace, was a modification of the right of confiscation in favour of the Government which is not only theoretically claimed, but sometimes exercised, as by Denmark, in 1807, in retaliation for vessels and other property condemned as droits of Admiralty.

The early wars of the French Revolution, involved as they were with civil war, and the pretension of intervention on the part of the other European powers, were in their character exceptional. French publicists place in the same category with the confiscation of private property found in British ports, the detention, on the rupture of the peace of Amiens, of individuals who had gone to the Continent before the commencement of the war for purposes of pleasure or private business.

In the wars of the French Revolution, not only were neutrals exposed to all the embarrassments connected with "visitation and search," and subjected to capture under paper blockades of the two great belligerents, now universally admitted to have been in violation of international law; but, through licences issued by both of them to an enormous extent, they conceded to one another an extended trade, not only with their European territories, but with the enemy's colonies, from which the British Courts would have excluded those states not engaged in the war, to whom under municipal regulations it had been denied in peace.

The half-century which elapsed since the reconstruction of Europe by the Treaty of Vienna, while marked by the greater destructiveness imparted to the instruments of warfare, could scarcely have failed to effect some modifications in the belligerent code, if not as regards the subjects of the contending parties, at least in mitigating the inconveniences of war to those, who, without any fault of their own, were made to suffer from the acts of others.

The conflicting views previously held in reference to neutrals by the two great allies in the war against Russia rendered necessary, at least, a temporary compromise of principle. Recurring to their former systems, it is very evident that if two nations situated like England and France—the one possessing the largest military marine in the world, the other having a navy only inferior to that of its ally—had, as co-belligerents, determined each to maintain its own peculiar views, neutral commerce would have altogether ceased. The property of a friend, which England would not have condemned for having been found in an enemy's vessel, would, as partaking of the character of the flag, been good prize to a French cruiser, while the neutral ship, whose flag would have been a protection against France, would have been subjected to be searched by English officers for enemy's property—the mere suspicion of having it on board being sufficient to cause her to be sent into an English port. Not only was the severity of the old codes mitigated by the declarations of England and France that "free ships make free goods," or, in other words, that enemy's property laden on board of neutral ships should pass free, while neutral property in enemy's ships remained exempt from confiscation, contraband of war in both cases excepted, but the prohibition of the enemy's colonial and coasting trade, not open to neutrals in time of peace, known as the rule of 1756, was wholly superseded, and neutrals were allowed to trade to all parts and places wheresoever si uated, not in a state of blockade. Indeed, so far as colonies were concerned, the rule in the case of Russia was necessarily without application; and as England, whose colonial trade had previously been made free almost simultaneously with the order in council of April 15, 1854, opened by Act of Parliament her coasting trade to the ships of all friendly nations, the theory of the restriction in question, even as to her, could no longer have had any basis.

Nor were the benefits of the reforms in the old mode of warfare confined to neutrals. I have already alluded to the course of England in the preceding maritime wars of the present century, of seizing and condemning, as droits of Admiralty, vessels and other property found in her ports at the commencement of hostilities. In the late war ample time was allowed by all the belligerents to the merchant vessels of their enemies in their ports to quit them with their cargoes. A subsequent order not only authorized a neutral trade in neutral ships with the enemy's ports, but it was allowed to be carried on by British subjects, provided

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neutral vessels were employed—the only restrictions on such trade being that it should not extend to contraband, or articles to export which required a special permission, or to a violation of a blockade, and that British ships should not be permitted to enter a port in the occupation of the enemy. In these respects there was no important distinction between the ukases of Russia and the orders and decrees of England and France.

Indeed, both as regards enemies and neutrals, except that the merchant vessels of a belligerent could not enter the ports of its enemy, the trade of the world was scarcely affected by the pending hostilities. The effect of the British order in council, and which was only of the same import with the corresponding French decree, was to leave the trade of England with neutrals, and even the indirect trade with Russia, in the same state as during the peace, so far as the law of the Courts was concerned. By the Russian declaration also, English and French goods, even though they belonged to subjects of those countries, were allowed to be imported under neutral flags, in accordance with the usual custom-house regulations. The doctrine of illegal trade with an enemy, to which theretofore the penalty of confiscation was attached, had thus no existence.

Nor was the operation of these measures on the rights of neutrals unnoticed during the pendency of the war. They were, with a knowledge of their consequence, sustained in the British Parliament by the ministers of the day. Lord Clarendon early declared to the American Minister in London that, though professedly only temporary, the precedent could not be departed from in future wars. When at a later period complaint was made of the benefit accruing to Prussia from the indirect trade through her with Russia, it only led to an exposition, on the part of the President of the Board of Trade, of the effects of former attempts to crush commerce in time of war, showing that "they had fostered immorality, fraud, and perjury."

The preceding reference has been made to the relaxations introduced during the Russian war into the relations of the belligerents with one another and towards neutrals, with a view to a proper appreciation of the action of the Congress of Paris. The obvious motive of the declaration of maritime principles was to extend and perpetuate that liberal policy which had to a great extent continued, during a period of war, the usual commercial intercourse of peace, confining to the State the evils incident to hostilities. It was, therefore, not requisite to make any further material changes in the practice of nations, in order to attain the full accomplishment of that to which the "declaration" would seem to have been directed—the entire separation from the producing classes of those whose appropriate functions are the business of war, and exempting the former from all the consequences incident to hostilities. The necessary result of this doctrine in practice would be the immunity of private property at sea, as well as on land.

So far as respects three of the articles of the "declaration," there was no ambiguity. They were confirmatory of the principles acted on during the war. The rule that the neutral flag covers the enemy's goods, and that the goods of neutrals are not liable to capture under the enemy's flag, with the exception in both cases as to contraband, had, moreover, been, pending the war, made the subject of a convention between the United States and Russia. And as Spain and Mexico were, with the United States, the only powers that did not give their assent to the entire declaration, it may not be irrelevant to notice that a treaty, to the same effect as the one with Russia, was concluded by the United States with Mexico, and that, according to the construction given by the Supreme Court to the subsisting treaty with Spain, its provisions on these points are equivalent. As was justly observed by the American Secretary of State, "If there have been any disputes in regard to blockades, the uncertainty was about the facts, but not the law." That in order to be binding they must be effective, whatever exceptional cases had existed in practice, was, at least, recognised in theory.

The proposition for the abolition of privateering was a mistake, in confounding one of the means for the accomplishment of an object with the end to be obtained. That the entire immunity of private property at sea would follow as a necessary consequence from the abolition of cruising by private owned vessels would seem to have been the impression of those who, long before the

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Congress of Paris, advocated that proposition. If that is not to be the case, the article is without object. It is fair, therefore, to presume that it was based on the supposition that, when there no longer exists a class of men to whom depredation on private property is the appropriate vocation, the right of capture of merchant ships, now exercised by the officers of the regular navy, must yield to the sentiments of an advanced civilization. Consequently, the addition which Mr. Marcy proposed to make to the privateer clause—viz., "that the private property of the subjects or citizens of a belligerent on the high seas should be exempted from seizure by public armed vessels of the other belligerent, except it be contraband," is a legitimate development of the true spirit of the "declaration."

That the immunity of private property from all capture at sea has ever been deemed identical with the abolition of privateering, and the prohibition of letters of marque has always been sustained by arguments applicable to the general question, a reference to the writings of publicists who have discussed the subject, as well as to the language of treaties, will abundantly show.

The Abbé Mably, who is usually cited as the earliest author on public law, who called attention to the matter, prefaces his condemnation of all captures of merchantmen and of private property at sea by inquiring why, when two nations go to war, they should interdict all reciprocal commerce, and declaring that the doing so is the remains of ancient barbarism.

Galiani, though he speaks of the privateersman, (*armatore*,) does so only to oppose him to the military leader on land in reference to the treatment of private property.

It is sometimes supposed that Dr. Franklin and the King of Prussia were anticipated in their philosophical views by a convention made as early as 1675, between Sweden and the United Provinces. I have found this treaty of commerce, which is based on the immunity of trade, in Dumont, as in the "*Actes, &c. de la paix de Nimegue.*" It was concluded during the pendency of a war, and reciprocally stipulates, as a means of avoiding annoyance to merchantmen and other property at sea, for the withdrawal of vessels furnished with the commissions of the two Powers, and prohibits their subjects from taking commissions from other states to the prejudice of their commerce. By the recitals in the treaty of peace, two years afterwards, it appears the convention had never been practically observed.

It is often alleged that inasmuch as it was scarcely possible that the United States and Prussia should be brought into hostile collision, the philanthropical provision inserted in the treaty of 1785 was merely one of those declarations in which speculative theorists might safely indulge. The sincerity of Dr. Franklin is best shown by the earnestness with which he pressed on Mr. Oswald, the negotiator of the first British treaty with the United States, the introduction of a similar article. Nor is it a slight confirmation of the views that I have endeavoured to express, that the abolition of privateering and the immunity of private property have been treated as indissolubly connected, that, though in all his letters he refers in terms merely to the former, both in the draft for the British treaty and in the article of that with Prussia, the specific clause against granting commissions to private armed vessels is a corollary to the exemption, expressed in the broadest language, of private property from injury or destruction, and of persons employed in the various peaceable pursuits of life from all molestation or inconvenience.

The first article of the French decree of 1792 proclaimed the immunity of private property at sea, the second the abolition of privateering; and the executive authority was requested to negotiate with foreign powers on this basis. The proposition was only responded to by the City of Hamburg.

The negotiations instituted by the United States with the different Governments of Europe in 1823-24, and which were ineffectually renewed some years later with England during my connexion with the mission to your country, though popularly regarded as connected with privateering, had for their object the entire abolition of private war on the ocean.

In proposing a new rule of international law, which can only be binding by obtaining an universal assent, it is not to be supposed that it can be so framed as to promote special interests, or that any one nation is to derive benefit from it to

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the prejudice of another. Unless the Government is entirely separated from the individuals of the nation, and war confined to the former, the effect of surrendering the right of granting commissions to private armed cruisers would be to place the commerce of the world at the mercy of the power having the greatest military marine. If the consequence of the "declaration" was to be, to increase the maritime preponderance of Great Britain and France, without even benefiting the general cause of civilization, (as their public ships would retain the right of capturing private property, while the United States, with a superior mercantile revenue, but comparatively without a navy, would be divested of all means of retaliation,) it could hardly have been supposed that the measure would receive the necessary sanction. Indeed, the protocol of the Congress expressly declares that it would not be obligatory on the signers to maintain the principle of the abolition of privateering against those Powers which did not accede to it. That the American amendment was necessary to give to the "declaration" of Paris full effect was soon recognised by most of the European Governments, as I have reason to know from the perusal of the papers in the Department of State at Washington, which were placed at my disposition by the last Administration, with a view to the preparation of a second annotated edition of "Wheaton's Elements."

Among the minor maritime states there was a clear unanimity of sentiment, but they naturally awaited, before giving a formal reply, the answer of the Great Powers.

The adhesion of Russia was promptly rendered. Prince Gortschakoff instructed, so early as September, 1856, the Russian Minister at Washington, to communicate to Secretary Marcy a copy of his instructions to Baron Brunow. Their emphatic language induces me to insert an extract—"Your Excellency will have an opportunity, in Paris, of taking cognizance of Mr. Marcy's note, in which the American proposition is developed in that cautious and lucid manner which commands conviction. The Secretary of State does not argue the exclusive interests of the United States; his plea is put for the whole of mankind. It grows out of a generous thought, the embodiment of which rests upon arguments which admit of no reply. The attention of the Emperor has, in an eminent degree, been enlisted by the overtures of the American Cabinet. In his view of the question they deserve to be taken into serious consideration by the Powers which signed the Treaty of Paris. They would honour themselves should they, by a resolution taken in common and proclaimed to the world, apply to private property on the seas the principle of inviolability which they have ever professed for it on land. They would crown the work of pacification which has called them together, and give it an additional guarantee of permanence. By order of the Emperor you are invited, Baron, to entertain this idea before the Minister of Foreign Affairs, and to apprize him forthwith that should the American proposition become the subject of common deliberation among the Powers, it would receive a most decisive support at the hands of the representative of His Imperial Majesty. You are even authorized, Baron, to declare that our august master would be disposed to take the initiative of this question."

The American Minister at Paris was assured by Count Walewski, in November, 1856, that the French Government would agree to the "declaration" as modified by us, though a formal assent was deferred with a view to consultation with the other parties to the Treaty of Paris.

Prussia formally announced, in May, 1857, to Mr. Cass, Secretary of State, who had replaced Mr. Marcy, that the Cabinet of Berlin gave its adhesion to the proposition made by the President of the United States to be added to the principles agreed on at Paris, declaring at the same time that "if this proposition should become the subject of a collective deliberation, it can rely on the most marked support of Prussia, which earnestly desires that other States will unite in a determination, the benefits of which will apply to all nations."

Instructions had been given by President Buchanan to suspend negotiations, as was stated by Lord Palmerston in a debate in Parliament, in July, 1857, before any official action was taken by the Government of Great Britain. Lord Palmerston, whatever changes his opinions may have undergone, had expressed himself favourably to the proposition at a public meeting in Liverpool; and we have, in the following despatch of Count Chreptovitsch, a further evidence of the interest

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which Russia took in the establishment of the principle. "I have," he says, writing under date of November 3rd, (15,) 1856, "improved a favourable opportunity to converse with Lord Clarendon in relation to the condition which the Cabinet of Washington appends to its accession to the principles of maritime law, embodied in the declaration of 11th (16) April, and have delivered to him a copy of your Excellency's despatch under date of 1st September. The Premier, in answer to my communication, stated to me that Her Majesty's Government recognised as a principle the equity of the amendment proposed by the American Government, and that he saw no objection to make it the subject of a joint deliberation. He, however, added, that in the examination of the details of the question, it might find itself under the necessity of stipulating for certain reservations, which would be submitted at the proper time and place to the judgment of the Powers that are called to discuss the matter."

Whether the withdrawal of the Marcy amendment by the late Administration arose from a belief that the United States could not, in any event, surrender "a mode of maritime warfare" held by the then Secretary of State "to be peculiarly adapted to their condition and pursuits, and essential to their defence upon the ocean," or whether it was thought, as was intimated by President Buchanan to the New York Chamber of Commerce, that the right of blockade, even as defined in the "declaration of Paris," would render inoperative the promised advantages to the pacific commerce of belligerents, is a matter which in no wise affects the principles of this discussion. I likewise abstain from adverting to the policy, of which I know nothing except from rumour, of the present Cabinet of Washington, which, it is said, repudiates the acts of its immediate predecessors, without, however, reviving the proposition which four years ago had so nearly united the suffrages of Christendom.

The restoration of the rule, sustained by the earlier writers, of restricting blockades to places actually besieged, was also connected by the Senate of Hamburg with their late proposition for the immunity of private property at sea. Such a measure is necessary to the perfection of a system which would confine war to military operations, and is demanded not more for the interest of the peaceable inhabitants of the belligerent state than of neutrals. "The investment of a place by sea and land," said Mr. Cass, in his instructions for concluding maritime conventions in 1859, "with a view to its reduction, preventing it from receiving supplies of men and material for its defence, is a legitimate mode of prosecuting hostilities, which cannot be objected to so long as war is recognised as an arbiter of national disputes; but the blockade of a coast, or of commercial positions along it, without any regard to ulterior military operations, and with the real design of carrying on a war against trade, and, from its very nature, against the trade of peaceable and friendly powers, instead of a war against armed men, is a proceeding which it is difficult to reconcile with reason or with the opinions of modern times." In looking, however, to the practical bearing of this matter, it is proper to remember that there is little danger of the paper blockades of the early part of the present century, which professedly retaliated on neutrals the alleged violations by the respective belligerents of the principles of international law, being hereafter resorted to by European Powers. The decisions of the English Courts, and they were in accordance with those of the French tribunals, during the Russian war, were well calculated to put an end to all attempts to place under an interdict, by a Cabinet notification, the entire coast of an extensive territory. I refer particularly to the decision of Lord Kingsdown in the *Franciscа*, where it is declared that the notice of a blockade cannot be more extensive than the blockade itself, that a belligerent cannot be allowed to proclaim that he has instituted a blockade of several ports of the enemy when, in truth, he has only blockaded one; and that a neutral, in such a case, is not liable to the penalties attending a breach of blockade for afterwards attempting to enter the port which is really blockaded. Moreover, since the peace, Sir Charles Napier, who must be an authority on such a subject, stated in the House of Commons, that double or treble the whole British navy would not be sufficient to make such a blockade of all the ports of France as would conform with the requirements of the "declaration."

In this connexion it may not be irrelevant to allude to the exception from immunity of contraband, contained as well in Mr. Marcy's amendment, as in the

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articles of the "declaration" referring to the cargoes of neutrals and to neutral property in an enemy's vessel. If the principle of contraband is still to be maintained, it is not little to be regretted, that in a solemn instrument, intended to settle the uncertainties of maritime law, it should have been left wholly undefined. On no point is there a greater diversity of opinion than with respect to the extent of its application. By the adoption of the rule that a neutral flag protects enemy's goods, there is no longer any pretence for the existence of the right of search, unless as connected with contraband. Nor does there appear to be any advantage to the belligerent in the continuance of the rule of contraband, commensurate with the injuries which it must inevitably cause to the neutral in the detention of his ship and the interruption to his trade, and from the collisions between neutrals and belligerents, to which the exercise of the right of search must inevitably give rise. As destination to an enemy's port is an essential point in a question of contraband, in all cases where the rule is of any practical importance to a belligerent, the law of blockade, even though that right should be restricted to places actually besieged, would also intervene.

I have already remarked that, unless the abolition of privateering had in view the immunity of private property, it was without object. Moreover, no new rule can stand the test of international morality unless it confers equal advantages and imposes equal obligations on all states, great and small. The immunity proffered must be a defence as well against the spoliations of an enemy possessed of a great military marine, as of a state whose resources are confined to her mercantile navies. The article under consideration, in the terms of the "declaration," can only, like the denunciation of the slave trade by the Congress of Vienna, address itself to the consciences of the Powers. That matter required, to give it any practical effect, special conventional stipulations, followed by legislation; and though, by a gross misnomer, the term "piracy" was applied to its infraction, the statute offence is distinguished from the crime of the same name under the law of nations, which was everywhere justiciable. The phrase, "*La course est et démeure abolie*," Lord Colchester in an early debate remarked, had been rendered by an English writer on international law, "cruising is and remains abolished." That would, of course, extend to the immunity of merchant ships from public as well as private vessels of war, if it did not abolish maritime war altogether.

Capturing private property at sea, without a commission from some authority, is piracy; but it is not necessary that a Government, in order to enjoy belligerent rights, should be formally recognised by any other Power, and among these rights is that of issuing letters of marque and reprisal.

Whether any case is within the principle of the arrangement of Paris, every nation to which a vessel belongs must decide for itself, subject of course to complaint on the part of the other contracting parties; but no State can undertake to outlaw a cruiser of another power provided it has a commission from a *de facto* Government, for any infraction of the article against privateering. It is not to be presumed that the Congress of Paris undertook to determine the form to be given either to the military or naval organization of the respective parties to the "declaration." What species of property shall be exposed to hostilities is a matter which comes home to the interests both of neutrals and belligerents, and it may be a subject for conventional regulation; but so far as principle is concerned, it is certainly of little importance whether a war is conducted by vessels owned by individuals and chartered by the Government, or whether they have been originally constructed in the public yards. It is well known that at one period France was in the habit of making arrangements with corsairs of other countries, as well as her own, to carry on public wars. There is, it is believed, a clause in the contracts which the British Government has with its Transatlantic steamers for the conversion of them into vessels of war, and at this moment the Congress of the United States is deliberating on authorizing the employment of merchant ships to enforce the measures of coercion now going on towards the seceded States, and on the establishment of a volunteer navy, the commissions in which, like those of the volunteers on shore, are to be temporary and confined to the immediate service. Can any one doubt their right, were the United States to become parties to the "declaration," of employing their volunteer navy for any purpose, even for the

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capture of private property, in which the public vessels of other nations might properly be engaged?

It has been, I am aware, alleged as an objection practically applicable to privateers, that their officers are ordinarily of a less elevated class than those of ships of war, and that, therefore, there is danger of a greater abuse of their power of visitation. It is sufficient that the responsibility of a nation is as much pledged for the observance of the law of nations by the one as by the other species of force. Nor is it to be forgotten that it is to public cruisers, and not to privateers, that the cruelties at different times inflicted by the destruction of the establishments of unharmed fishermen are to be ascribed. From what has been stated it may be inferred that the "declaration" as to privateering in its present form, so far from being operative, would only give rise to new complications and charges of evasion; while, if the reform was addressed to the immunity of private property in its extended sense, there would be nothing to interfere with its application.

Though the proposition for exempting merchantmen from capture by public ships was withdrawn by the Government of the United States, it was revived in 1858 by another American State. Brazil proposed that "all private property, without exception of merchant vessels, should be placed under the protection of maritime law, and be free from the attacks of cruisers of war." The subject was subsequently, in consequence of the movements of the commerce of Hamburg and Bremen, greatly discussed by the publicists of Germany, and in the Chamber of Deputies of Prussia. Being in Germany at the time, I had an opportunity of appreciating the importance thus attached to it, even by those States which did not themselves possess a commercial marine, but whose manufactures, exported from Bremen and Hamburg, were subject to the dangers and embarrassments which attach to neutral property in time of war. Count Rechberg assured me that, though little of the Austrian commerce passed through their port of Trieste, yet that he placed such a value on the exports and imports to and from the United States and elsewhere through the Hanse Towns, that should the subject come before an European Congress, it would receive his support.

The publicists, who have discussed this topic, have, in general, sustained the cause of reform, but I have within a few months received a pamphlet of a contrary import, ("*Propriétés privées des sujets Belligérants,*") from M. Hautefeuille, the learned author of several treaties on maritime law. M. H. has ever been opposed to the abolition of privateering, which measure he deems to have been brought forward in the interests of England, while he ascribes the proposal of the immunity of private property at sea to a profound American policy, which President Buchanan's attempted negotiations as to blockades would only have rendered more complete. He entirely mistakes the scope of the Marcy amendment, which was intended to conciliate, as far as practicable, the supposed demands of humanity with what was due to the safety of the United States. No one doubted that in acceding, even with the amendment, to the "Paris declaration," this country would be abandoning the most efficient of its belligerent resources. M. Hautefeuille's argument is based on controverting what he deems the false assumption that private property on land was free from belligerent capture, and denying that its immunity either at sea or on land is demanded by any considerations of humanity. My time will not permit me to follow M. Hautefeuille in his elucidations. It may be remarked, as to his first point, that any inaccuracy of the advocates of exemption from capture at sea, with reference to the existing rule as to the land, can in no wise affect the principle, except to include, if he is correct, the latter in the proposed reform. The treaty, as our author fully admits, of 1785, between Prussia and the United States, in its explicit provisions, both as to sea and land, left nothing to be supplied in this respect. M. Hautefeuille contends that the evils of war are to be estimated by its duration, and that the more destructive its operations are, the more it is brought home to all classes of the community, the more is the cause of humanity promoted. Without derogating from this course of reasoning, illustrated by the short Italian campaign, with its bloody battles of Magenta and Solferino, it is to be noticed that the absence of commerce and the stagnation of affairs enumerated by him, are among the consequences of war, which it is the object of the proposed plan, at least, to diminish. M.

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Hautefeuille's argument, taken in its fullest extent, would ignore all the changes which the civilization of centuries has introduced into the conduct of war. Neither the exchange nor ransom of prisoners would be tolerated, but slavery or death would be the lot of captives.

I have written thus much, *calamo currente;* and as it is only possible that, even if sent to the post-office at once, it will reach you in time for the proposed meeting, I have no opportunity for corrections, much less for transcribing. You will receive the note in its rough form, as an evidence of my desire to respond to your flattering invitation.—Believe me, my dear Sir, yours very truly,

W. B. LAWRENCE.

John Westlake, Esq., &c.

BONDING PRIVILEGES.

On the reading of Mr. Clarke's paper, printed at p. 770,

Mr. G. W. HASTINGS said that as, in addition to the various duties which he had to discharge in his official connexion with the Association, he had undertaken to act at this meeting as one of the representatives of the Worcester Chamber of Commerce, he should trouble the Department with a few words on the paper read by Mr. Clarke. He was anxious, however, that this subject should not be dealt with as one affecting only the interests of a particular city; much wider interests were, in fact, concerned in it, and it involved the consideration of a broad principle of government and legislation. He apprehended that one great principle of good government was this, that every district of the country should be left free to develop, in the best way it could, the natural resources which Providence had placed at its command; and that the application of the capital and energy of its inhabitants should not be checked by legislative or governmental interference. Now, as an application of this principle, he maintained that every town which either possessed by nature, or had acquired by art, a navigable access to the sea, has a right to use that advantage without let or hindrance for all the purposes of trade. This was precisely the position in which Worcester was now placed. The river Severn, by a very large expenditure of money and labour, had been made navigable for sea-going vessels up to Worcester Bridge, and the Chamber of Commerce of that city had very reasonably asked that its inhabitants should be allowed to import merchandise directly from foreign countries without the necessity of landing the goods at Gloucester or any other port for the payment of the customs' duties. But when they applied to the Treasury for the privilege of a bonding warehouse they were met by two objections: the one, that Worcester did not possess a sufficient trade to justify such an establishment; the other, that the transit of goods on which duties were leviable for fifty miles between the banks of a narrow river would lead to a great deal of smuggling, and would cause inconvenience to the officials of the customs. With regard to the first objection, it had been completely demolished by the statistics collected by the Worcester Chamber of Commerce, and he would observe that nothing could be more unfair than to argue this point in reference to the city of Worcester alone, when, in fact, a wide area of country and many important interests would be benefited by the free navigation of the Severn. The second objection was untenable, because it was opposed to the great principle which he had stated at the commencement of his observations; a town which has the means of communication with the sea has a right to use it without hindrance, and no artificial system like that of the customs' duties can be pleaded as a reason for the deprivation of that right. The inconvenience, whatever it might be, caused to the Board of Customs was really beside the question, which was, whether Worcester, or any town similarly situated, should be left free to reap the advantages of their situation, and to develop their industrial resources to the utmost possible extent. Nothing could be more anomalous than to advocate free trade with foreign countries and to check by absurd and pedantic regulations the prosperity of our own. He was well aware that the representatives of a particular

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city might argue in vain with an irresponsible Board, and that the individual influence that could be exercised on Parliament would be of no avail, but all these questions were ultimately decided by public opinion, and that opinion was largely influenced by the meetings and discussions of such an Association as the one which he was then addressing. It was for that reason that the subject had been brought before them, and he was convinced that many of the influential men who were present there from various parts of the kingdom would go away with a very different impression on this question of the extension of bonding warehouses from any that they had hitherto entertained, after hearing the plain, and he thought he might add, unanswerable case, which had been laid before them in relation to the city of Worcester.

Mr. BAZLEY, M.P. for Manchester, expressed a strong opinion of the vexatious manner in which the restrictions on bonding were maintained, and said that he considered the question raised, namely, whether the privilege of bonding, or even the full privilege of a port, might not be extended to all towns of sufficient commercial importance possessing direct communication with the sea by navigable rivers, one of great importance. He, therefore, would second the resolution.

Several members having spoken to the same effect, the SOLICITOR-GENERAL, who presided, said he had much pleasure in putting the resolution to the meeting. He was very glad the paper had been read and had elicited the remarks which had been made. He agreed with the general terms of the resolution; and, referring to the particular instance of the city of Worcester and the large outlay in improving the navigation, he said he thought it very unreasonable that a place possessing such advantages, natural and acquired, as the city of Worcester, should be denied the privileges, he might say the *rights*, enjoyed by other towns of much less importance.

The resolution was then carried unanimously.

PORTLAW COTTON FACTORY.

Dr. MARTIN, of Portlaw, county Waterford, read a paper on the cotton factory established by the Messrs. Malcomson, at that place, which gives employment to 1,517 persons, at the average weekly wages of 7*s.* 4*d.* per head, exclusive of oversight. Very interesting and effectual measures appear to have been taken by the proprietors for the benefit, both moral and physical, of the workers and their families, especially through the erection of decent and comfortable houses for them; and though they are "a heterogeneous mass drawn together from all parts of Ireland," they bear a high character for order and temperance.

IRISH AGRICULTURAL EXPORTS.

Mr. FISHER read a paper on the agricultural exports of Ireland. It contained an elaborate review of Irish statistics, from which the author drew the conclusion that the recent efforts to improve the agriculture of the island had not in all respects been well directed; especially in neglecting the butter-producing for the beef-producing qualities of cattle, in an excessive diminution of the quantity of land cropped for winter feeding, and in an increase of the number of agricultural horses disproportioned to the work they have to perform.

PATENTS.

A paper was read by Mr. Macfie, entitled "Proposals for Inquiries as to Patent Laws," in which the author suggested "that this Asso-

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ciation and the British Association for the Advancement of Science should not confine their inquiries to the present system of prompting and rewarding inventions, but should undertake and master the larger question, how best, consistently with liberal treatment of inventors, and in an age when scientific knowledge is so precise, manufactures and arts so highly developed, and British markets opened to unrestricted competition with rivals who may be, all of them or most of them, free from the restraints and payments of patents in their own countries—how best, under such circumstances, to attain the object of our patent system."

A discussion ensued, in which Mr. WEBSTER expressed the opinion that the resolutions of the joint committee of the two Associations would be found to meet the real objections to the present system.

The PRESIDENT (M. Chevalier) stated that the subject of patents had been discussed in the *Société pour la Réforme Commerciale*, and though he did not remember the vote which had been come to, he could say that an opinion radically opposed to patents was very general in France. Patentees had in France the power of seizing on a simple demand articles which they pretended had been made in breach of their patents without a previous judgment, and this power was used to extort money from honest manufacturers. The opponents of patents to whom he alluded thought that public rewards should be given to persons whose inventions had proved to be useful. He had not formed an opinion himself—he was studying the question. It seemed to him an important argument that practical inventions are contained implicitly in the scientific books which record the theoretical principles, and that therefore the merit of inventors is less than was commonly supposed. There was a wide distinction between copyright and patents. There was no doubt that Virgil wrote the "Æneid" and Bacon the "Novum Organum," but there was often much uncertainty as to who was the true author of an invention. The question was under the attention of the Government, and a project of law was expected on it.

The only other paper read in the Department was by Mr. A. Armstrong, "On some of the Causes why Manufactures do not succeed in Ireland."

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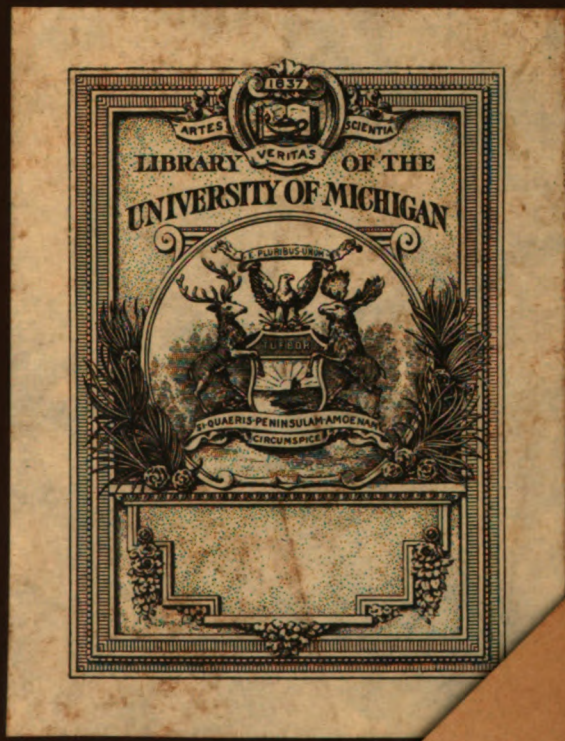

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